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HANSARD'S

PARLIAMENTARY

DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

1° VICTORIÆ, 1837–8.

VOL. XLII.

COMPRISING THE PERIOD FROM

THE TWENTY-NINTH DAY OF MARCH,

TO

THE EIGHTEENTH DAY OF MAY, 1838.

Fourth Volume of the Session.

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J. BIGG; J. BOOTH.

1838.

TABLE OF CONTENTS

TO

VOLUME XLII.

THIRD SERIES.

I. SUBJECTS OF DEBATE IN THE HOUSE OF LORDS.
II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.
III. LISTS OF DIVISIONS.

I. SUBJECTS OF DEBATE IN THE HOUSE OF LORDS.

1838. *Page*

Mar. 29. ABOLITION of Slavery—Petition—Dr. Pye Smith ... 1
Magistracy (Ireland)—Motion for Returns 33

30. Church of Scotland—Motion for Returns 110
New Zealand—Motion for a Select Committee to inquire into the state of the New Zealand Islands 152

April 2. Abolition of Slavery—Explanation—Lord Brougham and Lord Howick 261
The Achill Missionary Herald—Motion for Papers relative to the Post Office stopping the circulation of a Newspaper ... 264

3. Dr. Pye Smith—Explanation of his Opinions on Slavery ... 344
Yeomanry Cavalry (Scotland)—Petition Questions ... 345

6. New Poor—Contemplated Improvement in the Law ... 435
The Irish Church—Motion for Returns 437

9. Negro Apprenticeship Petition—Explanation by Lord Denman 475

10. Roman Catholic Prelates—Petition—Complaint of those Prelates using Prohibited Titles 542

11. The Coronation—Question 543

27. Legal Adviser—Canada—Question 623

30. Spain—Foreign Enlistment Act—Question 668
The Coronation—Question by the Marquess of Londonderry... 667
Mr. Turton—Question 671

1838. Page
May 1. Poor Law (Ireland)—Bill brought up from the Commons, and read a first time 722
The Coronation—Question 725
New Poor Law Petition—Explanation by Earl Stanhope ... 725
Amendment of the New Poor Law—Bill read a first time ... 731
3. Contagion—Petition 796
Church Commission—Question 799
Malta Commission—Motion for a Return 799
4. Poor Laws (Ireland)—Petitions 897
Doctor M'Hale—Complaint of his usurping the Title of a Protestant Archbishop 898
7. National Education—Petition from Manchester ... 937
Poor Laws (Ireland)—Petitions—Mr. Nicholl's Report ... 943
The Coronation—Marshal Soult—Question 944
Yeomanry—Motion for Correspondence concerning the Reduction of the Yeomanry 944
8. Roman Catholic Oath—Motion for Returns—Explanation by the Earl of Shrewsbury 966
10. Poor Laws, Yorkshire—Petition 1077
11. British Auxiliary Legion.—Letters between the Treasury and the Foreign Department 1154
14. Poor Law Amendment Act—Petition 1170
15. New Poor Law—Petition 1261

II. Subjects of Debate in the House of Commons.

March 29. Abolition of Negro Apprenticeship—Petition—Motion that Apprenticeship be abolished on August 1, 1838—Amendment to read the Slavery Abolition Act Improvement Bill a second time—Debate Adjourned 40
30. Negro Apprenticeship—Adjourned Debate renewed—Division, Lists, &c.—Bill read a second time 156
April 2. The Hippodrome—Notting Hill Footway—Third reading of a Bill—Division, Lists, &c. 269
Controverted Elections—Re-committal of the Bill—Suggestions by Sir R. Peel—Motion for Select Committee—Divisions, List, &c. 277
3. Church Property—Motion for returns of alienations ... 352
Catholic Funerals in Londonderry—Complaints of trespass on Protestant Church Yards 353
Jamaica—Motion for Returns relative to the Emancipation of Mr. Scarlett's Negroes 360
Repeal of the Soap Tax—Motion—Amendment to repeal one-third—Division, &c. 363
Belfast Election Committee—Petition—Mode of taxing the expenses 376
Yeomanry (Scotland)—Conduct of the Yeomanry at Kilwinning 382
Lord Durham's Mission—Motion that the Mission should be conducted with the greatest economy—Division, Lists, &c. 386
4. Protection of British Manufactures—Second reading of a Bill 425
Prisons' (Scotland)—Second reading of a Bill 426
Medical Charities (Ireland)—Second reading of a Bill—House counted out 429

TABLE OF CONTENTS.

1838. Page

April 5. Coast Fisheries—Motion for Papers 433
Captured Slave Vessels—House counted out 435

6. Breach of Privilege—Mr. Poulter—Complaint of a Letter written by Mr. Poulter, who, as well as the Printer of the *Morning Chronicle* is ordered to attend at the Bar ... 453
Slavery Abolition Act Committee—Motion for an instruction —Amendment—Division, &c. 465

7. Slavery Abolition Act—Report 474

9. New South Wales—Petition 479
Breach of Privilege—Mr. Poulter—Mr. Poulter at the Bar—Motion that his Letter was false and scandalous—Amendments—Divisions—Debate Adjourned, and subject got rid of 480
Supply—Pensions—Vote in Committee of Supply ... 526
Poor Relief (Ireland)—Further consideration of the Report 538

11. Duties on Silks—Questions 545
Supply—Report—Pensions—Deficient Revenue 546

25. Great Yarmouth Election—Absence of the Mayor ... 551
Copyright—Second reading of a Bill—Amendments, Divisions, &c. 555

26. Great Yarmouth Election—Explanation of the absence of the Mayor 597
Business of the House—Proposition to appropriate an additional day to Orders—Proposition withdrawn ... 597
Prison Regulations—Leave given to bring in a Bill ... 605
Juvenile Offenders—Leave given to bring in a Bill ... 609
Election Petitions—Committee appointed to consider the law and practice relating to entering into Recognizances ... 614
Standing Orders—Private Bills—Appointment of a Committee 620
Joint-Stock Banks--Appointment of a Committee ... 622

27. Supply—Ordnance Estimates 624
Yeomanry Cavalry—Vote for this Force—Amendment, Division, &c. 636

30. Procession at the Coronation—Question 674
Expenses of the Revolt in Canada—Question 675
Poor-Law (Ireland)—Third reading of the Bill—Division, Lists—Bill passed 675
Medical Charities (Ireland)—Bill read a second time ... 719

May 1. The Duke of Cumberland—Motion to bring in a Bill to suspend the payment of the Duke of Cumberland's Annuity—Division, &c. 740
Gospel Propagation Society (Newfoundland)—Motion for a Return—Division, &c. 750
Outrages on Protestants (Ireland)—Motion by Mr. Colquhoun for a Return 756

3. Yeomanry Explanation 810
Church Leases—Appointment of a Select Committe to inquire into the mode of letting Church Lands—Amendments, Division, Lists, &c. 820

4. Pluralities—Committee on the Bill—Motion for an instruction —Various Amendments and Divisions 906
Exchequer Bills—Supply voted 935

7. Pluralities—Committee on the Bill—Amendment, Divisions, and Lists 952

8. Seizure by the French Government—Question 996

1838. Page
May 8. First Fruits and Tenths—Motion for a Committee—Division, Lists, &c. 997
Channel Fisheries—Question 1024
The Yeomanry—Motion for Returns 1024
9. Bonded Corn—Second reading of the Bill—Division, Lists, &c. 1029
Ecclesiastical Courts (Ireland)—Second reading of the Bill 1045
Custody of Infants—Report on the Bill—Division ... 1050
Copyright—Committee on the Bill—Division, Lists, &c. ... 1056
Salmon Fisheries (Ireland)—Second reading of a Bill ... 1074
Salmon Fisheries (Scotland)—Second reading of a Bill—Division, List, &c. 1075
10. Controverted Elections—Motion for Leave to bring in a Bill 1080
Foreign Slave Trade—An Address to the Crown to appeal to its Allies, and to put down the Slave Trade as Piracy ... 1122
11. Union Workhouses—Question of the Expense ... 1160
Benefices Pluralities Bill—Committee—Various Amendments, Divisions, &c. 1161
Schools Scotland—Second reading of the Bill ... 1166
Freemen's Admission Bill—Second reading—Division ... 1169
14. Tithes (Ireland)—Committee of the whole House—Sir Thomas Acland's Motion to rescind the appropriation resolution—Debate Adjourned 1173
15. Tithes (Ireland) — Adjourned Debate on Sir Thomas Acland's Motion to rescind the appropriation Resolution—Division, List, &c. 1263
16. Small Debts (Scotland)—Committee, Division, List, &c. ... 1359
18. Canada—Questions 1362
Tithe and Corporations—Questions—Ministers' Plans ... 1364
The Budget—Chancellor of Exchequer's annual Exposition of the Finance 1366
Prisons (Scotland)—Committee, Division, List, &c. ... 1421

III. Lists of Divisions.

Mar. 30. The Ayes on the Resolution to abolish Negro Apprenticeship in August, 1838—Sir G. Strickland's Motion ... 257
The Noes 259
April 2. The Ayes on the third reading of the Hippodrome Bill ... 274
The Noes 276
The Ayes and the Noes on a Motion to appoint a Select Committee to inquire into the Law of Controverted Elections ... 341
3. The Ayes and the Noes on a Motion to repeal the Soap Duties 374
The Ayes and the Noes on the Previous Question, on a Motion relative to Lord Durham's Mission, made by the Marquess of Chandos 422
6. The Ayes and the Noes on a Motion in Committee, to abolish Negro Apprenticeship in Jamaica on August 1, 1838 ... 472
9. The Ayes and the Noes on Mr. Poulter's Breach of Privilege 518
The Ayes and the Noes on the Adjournment of the Debate on the same Question 525
25. The Ayes and the Noes on a Question concerning the Election for Great Yarmouth 554

1838. Page

April 25. The Ayes and the Noes on the second reading of the Copyright Bill 594
The Ayes and the Noes on referring the Bill to a Select Committee 597
27. The Ayes and the Noes on the vote for the Yeomanry .. 664
30. The Ayes and the Noes on the third Reading of the Poor Law Bill for Ireland 715

May 1. The Ayes and the Noes on Suspending the Duke of Cumberland's Annuity 749
The Ayes and the Noes on the Gospel Propagation Society ... 755
3. The Ayes and the Noes on the Church Leases Committee ... 892
4. The Ayes and the Noes on an Instruction to the Committee on the Pluralities Bill 920
The Ayes and the Noes on Clauses of the Bill in Committee, 921, 922, 924, 934
7. The Ayes and the Noes on an Amendment to the 27th Clause of the Pluralities Bill, and on other Clauses in Committee, 953, 955, 956, 957, 958, 960, 962, 964
8. The Ayes and the Noes on Committee on the First Fruits and Tenths Bill 1017
9. The Ayes and the Noes on the second reading of the Bonded Corn Bill 1043
The Ayes and the Noes on the Report of the Custody of Infants Bill 1055
The Ayes and the Noes on the Committee on the Copyright Bill 1073
The Ayes and the Noes on the second reading of the Salmon Fisheries (Scotland) Bill 1075
11. The Ayes and the Noes in Committee on 94th and 22d Clauses of the Pluralities Bill 1162, 1164
The Ayes and the Noes on the second reading of the Schools (Scotland) Bill 1168
The Ayes and the Noes on the second reading of the Freemen's Admission Bill 1169
15. The Ayes and the Noes on the Committee on Irish Tithes, and Sir Thomas Acland's Amendment on the Appropriation Clause 1358
16. The Ayes and the Noes on Clause of the Small Debts (Scotland) Bill 1361
18. The Ayes and the Noes on Clauses of Prisons (Scotland) Bill 1421, 1424

HANSARD'S

Parliamentary Debates

During the FIRST SESSION *of the* THIRTEENTH PARLIAMENT *of the United Kingdom of* GREAT BRITAIN *and* IRELAND, *appointed to meet at Westminster*, 15*th November*, 1837,
in the First Year of the Reign of Her Majesty

QUEEN VICTORIA.

Fourth Volume of the Session.

HOUSE OF LORDS,

Thursday, March 29, 1838.

MINUTES.] Petitions presented. By the Earl of RADNOR, from Folkestone, for the abolition of Negro Apprenticeship.

ABOLITION OF SLAVERY.] The Bishop of *Exeter*, upon presenting petitions against slavery from the Wesleyan Methodists of Bath, from the Society of Friends of Sutton, from 3,175 females resident in Bradford, and from several dissenting congregations in that town, observed, that he was one of those who had not been very sanguine in their expectations of the results which would probably attend the emancipation of the negroes. He was one of those who, at the time when the measure of emancipation passed, did not think that the negroes were sufficiently prepared for the reception of that great boon. But from all that had since transpired, from all the evidence which had been collected on the subject, he felt thoroughly convinced that the negroes were now fitted for it; and he, therefore, thought that the question of their fitness or unfitness might now be considered at an end. The principle of the act of 1833, which was, that the negroes should be set free, should therefore now, he humbly conceived, come into unrestricted operation. That principle was not extended to the negroes at that period, because it was judged that at that time they were not in a fit state for its operation—that, instead of a boon, emancipation would have turned out a curse, after the negroes had been subjected for so many years to the most grinding tyranny. For his part, he thought it to be no weak argument in favour of the planters, that the negroes upon their estates were so soon found fit for manumission. If, indeed, they had been subjected to a despotism so unmitigated as that which they were described to have borne through so lengthened a period of misery, was it, he would ask, in human nature that they could have been so soon fitted to receive their emancipation complete and unrestricted? He returned, therefore, to the great principle, that, being fit, it was just they should be set free. But the measure was not only just, but, as proved by the evidence, expedient. They were not to withhold this signal, this invaluable boon, because of any compact existing between the planters and the Legislature, and for this plain reason, that the negroes were not at all parties to that compact. If the planters had well-founded claims to additional compensation, let them put in those claims, and they would undoubtedly receive their due degree of attention. He had even looked upon the act of 1833 as the proudest monument of legislation which any nation ever reared, as the noblest example which Great Britain had exhibited to the world; and he, therefore, trusted that no obstacle would be presented to its complete success—that no means might be permitted to be adopted by which its efficacy might be impaired.

Lord *Brougham* then presented a petition, also praying for the abolition of negro apprenticeship, from the borough of Aberystwith, signed by the mayor and the greater part of the inhabitants. The noble and learned Lord said, that he was sorry to be obliged to present a great number of petitions upon this subject to-day instead of yesterday. He had then presented 124, and had abstained from presenting the remainder because, although he had expressly stated his intention of presenting those petitions on the Wednesday, with a view to the accommodation of their Lordships, an arrangement to which the noble Viscount (Melbourne) stated, that he had no objection, neither that noble Viscount nor any other Member of the Cabinet, and very few Peers besides, had chosen to attend. When the noble Viscount said, that he had no objection to meeting on the Wednesday, he supposed the noble Viscount meant that he had none to meet vicariously. The noble Duke said, most positively, that he would not come; and, therefore, with characteristic consistency, he did not come. After that declaration, he never expected that the noble Duke would attend. With regard to the non-attendance of other noble Lords, he supposed he might be permitted to observe, that as some people from bad habits sometimes go to places to which they should not go, so others from bad habits sometimes don't come to places where they should attend. He would not have been doing his duty to the constituencies which had honoured him with the presentation of these petitions if he had presented them to so thin a House as that which had assembled yesterday. After presenting the petitions, the noble and learned Lord continued, he had now presented considerably above 200 petitions, in addition to the 120 which he had presented the other day. He had gone through them as fast as he could, but he had still taken up three quarters of an hour of their Lordships' valuable time, which, however, could not be better bestowed than in listening to the respectful prayers of all classes of the community. He had not read the prayer of any of these petitions at length, but not from any want of respect for the petitioners, but there was one petition which he had to present which he felt bound to single out from the rest, as it was signed by his excellent, amiable, and revered friend Thomas Clarkson, a man whom to name was an honour. The petitions which he had presented proceeded from all classes and sects of the community, and among them were a vast number from corporate bodies and from public meetings. He had now to state the great gratification he felt in having the authority in favour of the views of these petitioners of the Lord Chief Justice of England, with whom he had been in communication upon this important and universally interesting question—upon the doubts and difficulties his noble and learned Friend had entertained on the question of contract and compact. He had asked his noble and learned Friend to consider the question; he had done so, and he (Lord Brougham) regretted that his noble and learned Friend, from his judicial duties, had been prevented from expressing that opinion on the occasion of either of the two discussions which had taken place on this matter. His noble and learned Friend wished not to be misunderstood as now holding any doubts or difficulties on the question, and that no mistake as to his opinion should be allowed to exist by reason of his absence. With that modesty which always accompanied worth, his noble and learned Friend had reluctantly complied with his (Lord Brougham's) request to state his views, and as part of his speech he should beg leave to read the letter he had received from his noble and learned Friend. "Supposing," said the noble and learned authority, "the Act of 1833 to be a compact between the planters and the Parliament of England, acting as trustees for the negroes, no doubt the breach of an implied condition by the former would release the latter from their engagements. But I cannot so consider it. I deny the right of this country to stipulate for the negroes." The noble and learned Chief Justice of England might be mistaken, but his authority was entitled to weight with their Lordships and with the country. He said,

> "I deny the right of this country to stipulate for the negroes. How could it be obtained? It originated in crimes, which if not properly called piracy, deserve a harsher name, and existed only because slavery existed, the lawfulness of which I have always denied. In other words, it was power without right; and the Act was an experiment by two joint wrong-doers (the more powerful of whom sincerely repented) whether the evil would not be best put down by continuing it in a mitigated form. This compromise, like a thousand other attempts to reconcile right and wrong, is admitted on all hands to have failed; compulsory apprenticeship, which was another name for slavery, and could only be justified by expediency, is proved to be inexpedient, and nothing remains but the duty of the mother country to afford to all her subjects the protection of equal laws. I am, therefore, fully prepared to consent to the immediate abolition of negro apprenticeship."

After such an opinion thus expressed by so illustrious a convert, he would not detain their Lordships by any lengthy observations. It had, however, been said, that if the Bill for the abolition of negro apprenticeship should pass (as he hoped to God before two suns should rise it would), the responsibility of the consequences of the measure ought to fall upon its authors. He consented—he claimed—and he would not have his claim resisted—to take his full, and if it pleased the House, his individual share in that responsibility, and he felt assured that even under that load and that weight his sleep would be easy and sound. He should mistake his own opinions—he should misrepresent his own feelings—he should mislead and deceive his fellow-countrymen, if he did not say, that there was another responsibility, the weight of which, God forbid, should lie on his shoulders, which he would not take—he would not take the minutest particle of the responsibility with which those would be loaded and pressed down who, knowing the state of existing circumstances—knowing the present state of the West Indies—knowing the public voice to be unanimously raised in this country with an universality and a strength of expression, the loudness of whose tone had never been equalled on any other question—would refuse the prayers of the people of England on behalf of the slaves of the colonies.

The Duke of *Wellington* said, that he had been intrusted with two petitions from the merchants connected with the West-India colonies, and resident in London and in Liverpool, to present to their Lordships. The petitioners stated, that they were interested in plantations situated in the West-India colonies, either as owners, or as entitled to mortgages and other incumbrances upon the same. They stated, that by the 'Act for the Abolition of Slavery, for promoting the industry of the manumitted slaves, and for compensating the persons hitherto entitled to the services of such slaves,' compensation for the labour of the slaves thereby manumitted was secured to your petitioners and others, by a money payment, amounting, in the whole, to 20,000,000*l.* sterling, and by a right to the services of the emancipated slaves as apprenticed labourers during a limited period; that period, in the case of the prædial apprentices, will not expire until the 1st of August, 1840; such right to the services of the apprentices was part and parcel of the compensation, in consideration of which the petitioners were compelled to resign their property; and that the right to the said services was declared by the Emancipation Act to be transferrable property, and, on the faith of that law, had been made the subject of sale and purchase, and of testamentary and other legal disposition. That the petitioners had learned with astonishment that a Bill had been introduced into their Lordships' House, entitled 'An Act for putting an end to the Apprenticeship of those who were formerly Slaves in the British Colonies;' by which it was proposed to terminate the apprenticeship on the 1st of August, 1838, without providing an equivalent indemnification to the petitioners and others for the loss of that portion of the compensation secured to them by the Act, and of which they would thus be deprived. That any measure of that nature would be a direct violation of the Emancipation Act, which had been emphatically styled 'a national compact, of which Parliament was at once the author and the guarantee,' would be contrary to all the rules of British legislation, and opposed to the eternal principles of justice. That, although it had been alleged as an excuse for this measure, that adequate protection had not been afforded to the apprenticed labourers, and that they had experienced cruel and oppressive treatment from their employers; yet the petitioners, lamenting that there should appear to be any foundation for such charges, respectively represent that at present they chiefly rest upon *ex parte* evidence; and the petitioners confidently assert, that even if proved, they are the rare exception, and not the general practice of the colonies. In corroboration of this assertion, the petitioners refer to an extract from a circular despatch from Lord Glenelg to the governors of the West India colonies, dated November 6, 1837, in which it was stated, that 'hitherto the results of the great experiment of the abolition of slavery had been such as to justify the most sanguine hopes of the authors and advocates of the measure.' Whilst the petitioners protested against the abridgement of the period of apprenticeship, they were ready to carry into execution any measure which might be found requisite and expedient for securing the due performance, by both masters and apprentices, of the several duties and obligations imposed upon them by the Emancipation Act, the petitioners confidently trusting in the justice and wisdom of the House, that any measure for that purpose will be framed in conformity with the true spirit and meaning of the said Act. That the assertions made by the enemies of the colonists, to the effect that no loss had resulted to the planters from the emancipation of their slaves were sufficiently disproved by the fact, that whilst the quantity of produce made had greatly diminished, the expenses of cultivation had been increased by large payments for extra labour. That the proposed abridgement of the period of apprenticeship would not only be an act of gross injustice, and a violation of the right of property, but would materially endanger the final success of the great experiment of emancipation, and the maintenance of the colonies, as valuable and productive possessions of the Crown, inasmuch as no provision had yet been made for the new state of society in which the colonies would be placed upon the expiration of the apprenticeship. That the currency in the colonies did not rest upon any sound basis, and that even under existing circumstances it was found difficult to keep in the colonies an amount of coin sufficient for the wants of the population. That this would be materially increased upon the expiration of the apprenticeship, when the labourer would have to supply himself with those articles of food and clothing with which he was at present supplied by the master, and the weekly payment of wages in money would require an increase of the circulating medium. That, the establishment in the colonies of a sound monetary system and the enactment of proper laws for the support of the infirm and aged poor, the suppression of vagrancy, the summary adjustment of disputes between masters and servants, and for regulating the militia, the elective franchise, and the qualification of jurors, ought to precede the termination of the apprenticeship. No legislation on these important subjects had yet taken place, for reliance had been placed upon the enactment, that the apprenticeship should continue until the 1st of August, 1840; and further, it was the opinion of the Select Committee of the House of Commons on negro apprenticeship in 1836, and of her Majesty's Government, that it would be 'most expedient, that such enactments as were intended to come into operation after 1840 should as much as possible be delayed until that period should arrive, and at all events be postponed until the time which more immediately preceded it.' That there was no precedent in the history of the world of so large a proportion of the population of a country being suddenly raised from a state of slavery to the enjoyment of all the civil rights possessed by the rest of the community, and that the remaining period of apprenticeship afforded but a short time for the deliberate preparation and enactment of those precautionary laws which so momentous a change in the state of society imperatively demanded. The petitioners therefore prayed, that the Bill entitled 'An Act for putting an end to the Apprenticeship of those who were formerly Slaves in the British Colonies' might not be passed, and that the petitioners might be heard at the bar of their Lordships' House by their counsel or agents. He begged leave to move, that these petitions be laid upon their Lordships' table. He had listened, as he always did, with the greatest attention to the speech just made by the noble and learned

Lord opposite, and particularly had he attended to the statement of the opinions held on this subject by the noble and learned Lord who to-night was absent from his place. He had the greatest respect and veneration for the opinions of that noble and learned Lord, more particularly when those opinions were delivered from the judgment seat; but he had had the misfortune of differing from the opinions expressed in that House by the noble and learned Lord now absent, and he must say, that he could not consider the noble and learned Lord's opinion delivered in a letter in answer to another letter which had not been produced, as one upon which the House could entirely rely. Upon the discussion of the question of compact or not he (the Duke of Wellington) would not enter. In the Act of Parliament for the Abolition of Slavery, he could not find the word "compact" or "contract," but that which he did find, and to which he desired to draw attention, and particularly the attention of the right rev. Bench, was, that a beneficial interest had been created by the Act of Parliament in the services of these apprentices for a certain period of years up to the year 1840. He begged to observe also, that not only was this beneficial interest given to the colonists as individuals, as the possessors of estates, and the former possessors of slaves, but, as justly stated in the petition he had read, it was declared in the 10th Clause of the Act, that the services of the apprenticed labourers could be disposed of by sale or will. On the other hand, power was given to those apprentices to purchase their manumission from the planters at any period before August, 1840, upon an appraisement of the value of their services in the interim. He begged their Lordships to reflect whether, without any fault being brought home to the colonists, they should be deprived of their beneficial interest in those apprentices. If their Lordships took such a step, he would venture to tell them, that it would be a disasterous one for the prosperity of the West-Indian colonies. By the Act which the Legislature had already passed, compensation had been given for that amount of interest in the negro labour which they had resigned; and on the same principle, further compensation ought to be given, if their remaining interest was taken away. It was, however, quite clear, that the negro apprentices were not prepared for that new state of society which would take place in the event of immediate and universal manumission. He had felt it to be his duty to make these remarks, in consequence of what had fallen from the noble and learned Lord and the most rev. Prelate; and he called upon their Lordships to reflect on the contents of the petitions he now presented.

Lord *St. Vincent* was sorry to trespass on the time of the House; but as an individual proprietor he wished to say a few words. It had been said, that the apprenticeship system was considered on all hands not to have worked well; now, as far as his experience went, and certainly upon his own property, it had worked extremely well. He did not feel disposed to adopt the language of the noble Marquess (Sligo), by expressing his readiness at once to emancipate the negroes on his estate, unless those negroes were properly prepared, and the Legislature of the colony had made due provision for the change, according to the statement of the petition presented by the noble Duke. If that preparation had been made, he could not feel the slightest disinclination to do away with a system which he had ever deplored, and from which he would be glad to escape; but the circumstances did not exist which could secure to the negroes all those social enjoyments which would arise from the boon of emancipation when attended with the improvement of the moral character and the requisite preparations for the new state of things, or which, on the other hand, could secure at all the interests of the planters. He should, therefore, oppose any premature measure. The noble and learned Lord opposite had the other night remonstrated with the noble Earl (Earl Stanhope) for taking measures calculated to produce excitement amongst the labouring classes. Now, he would beg to ask that noble and learned Lord, whether he had such an opinion of the superior civilisation of the negro population of the West Indies as to suppose, that the language which he had employed on this subject was not calculated to produce equally mischievous excitement? He did not mean to insinuate, that he was opposed generally to the New Poor-law Bill; he was of opinion, that it required some alteration; but he thought, that there was some analogy between one part of it and a part of the system in the workhouses in the West Indies, against which violent complaints had been made. The medical man was the person appointed to decide when any one was unable to work; and so it was in the workhouses there, but still the charge was made, that the apprentices were worked when they were in too bad a state of health. It came to the same point, which had led to so much alarm—the decision of the medical man as to the power to work. He perfectly subscribed to all the language and reasoning set forth in the petition presented by the noble Duke, and he could not perceive, that there was anything irrational in that petition, although the noble and learned Lord had described those who had signed all the petitions which he had presented as rational people. As to the responsibility which the noble and learned Lord had described as falling so heavy upon those who opposed his measure, he would say, that, conscious that he had done every thing to give effect to the Act of Parliament passed for the Abolition of Slavery, he was willing to undertake that responsibility, because he felt, that the best course was to continue the apprenticeship, and prepare the apprentices for the day of complete emancipation, subject to the superior judgment of those who were resident in the colonies, and best able to decide and point out such measures as would be most efficacious for the object, and advantageous to the negroes.

Lord *Seaford* was aware of the inconvenience of raising debates on petitions, but, a debate having been already raised, he hoped he might be excused offering a few observations, as there would be no future opportunity of vindicating the claims—the just claims, as most persons considered them—of the West Indian planters, and much misconception having, as he conceived, prevailed with regard to some parts of the question. The advocates of the immediate abolition of slavery appeared to him to have lost sight of many important circumstances with regard to the origin of the measure, and he would beg the House to look back at the history of the question. When the Government and Parliament determined on the abolition of slavery, they adopted the system of apprenticeship as the best and safest mode of accomplishing that measure. He had taken no part in the discussions; but he thought that the House had acted wisely and judiciously, in what it had done; they adopted the course to prepare the apprentice, by gradually emancipating him; which afforded him an opportunity, by improving his moral condition, and by accustoming him to a limited state of freedom, to prepare himself for the unqualified exercise of his civil liberties. That intermediate state was important, by placing at his disposal a portion of his time, and teaching him the habit of labouring for wages, and thus bringing him into the condition of a free labourer; and it was important, also, by rendering his condition satisfactory and comfortable, to temper the change to liberty. For these reasons, also, he thought that the few remaining years of the apprenticeship were of the greatest importance, both to the welfare of the apprentice, and of the master. He considered it the duty of every master so to employ the interval, and it had been so employed in no inconsiderable number of instances, as to prepare the apprentice for the great change which was about to take place. Such were also the views of Parliament, but whether they were wise or not, might be doubted. At any rate, it was scarcely now open to discussion; it had been decided by Parliament and the Government, who were pledged to the due execution of the Act, with the passing of which the colonies had no share. When the Act was sent out there, they were offered compensation, on condition of adopting certain measures which were suggested. It was true that some of the details were left for the special consideration, and the superior local information of the colonies; but, at the same time, it was stated, that the grant of compensation would not be allowed, unless the Executive Government was satisfied with the regulations which had been adopted. The colonial Legislatures, and Jamaica among the number, adopted these necessary resolutions, and had received the compensation. The Colonial Secretary had indeed pointed out certain defects in the Bill to be removed, and omissions to be supplied by the local Legislatures; but having had confidence that the necessary alterations would be made, he had granted the compensation. The colonial Legislature did supply the defects and omissions by an Act called the " Act in Aid." By the Act in which Parliament decreed the abolition of slavery, it also granted, than which he could not conceive any Act more solemn and binding, a right to the planters to employ the non-prædial apprentices for a period of four years, and to the masters of the two classes of prædial slaves the right, under certain restrictions, to their labour for an extended term of six years. When the Act was explained to the masters and apprentices in Jamaica, by the Earl of Mulgrave, this was expressly stated, and the extra term for the prædial was stated to be, in consideration of the time for labour, and exemptions granted to them. He offered no comment at the time as to the propriety of making this distinction, but could Parliament now render this position unequal, by curtailing for two years, the term granted to the master for the two prædial classes? At the same time, Parliament granted the right to the masters to transfer and sell, for any part of the term, the services of the apprentices. He would not give his opinion, whether this were or were not a proper power to be given, but it was granted; and the effect had been, that many sales of attached and unattached prædials had been made; the purchasers had thought they had the best of titles, the title of an Act of Parliament; and would Parliament now vitiate that title, by diminishing the value of the labour by one-half or two-thirds? Further, the beneficial interest in the services of the slaves had been held out as a boon jointly with the compensation for the concurrence of the colonies in the Abolition Act, and would they curtail the term thus given? But it had been stated by the colonial Legislatures, and by the planters, that there had been no compact, and, therefore, no breach of faith; and he wanted to know on what grounds the charge was made, when the Assembly of Jamaica, by adopting the Abolition Bill, had obtained the acknowledgment that they were entitled to compensation, and had passed the Bill in Aid? But this was not all: when the Assembly of Jamaica allowed the Bill in Aid to expire, the Imperial Parliament had renewed the same Bill, without alteration or addition. Thus far, up to 1836, Parliament was debarred from finding fault with the law as it stood; if it were defective, the Imperial Parliament, and the local Legislature was jointly responsible for the defects. But, subsequently, greater defects had been brought to light, great abuses in the administration of the law were found to exist, and the Assembly of Jamaica was called upon by the Governor to amend the law; and he regretted to find, by the last dispatch which had been received from the Governor of the colony, Sir Lionel Smith, that he "entertains no hope that the Assembly will adopt the amendments pointed out, with the view of remedying the evil." He did not defend the Assembly of Jamaica: it was utterly unjust and highly discreditable; it was neither consistent with the duty which they owed to their constituency, nor with what was due to those interests, as the guardians of which they were appointed to protect; but with regard to this country, their conduct was rather contumacy than a breach of faith: it might be such as to call for the interference of Parliament, but it did not justify Parliament in refusing to fulfil its own engagement. The House need not rely on the colonial Legislatures for any alteration which might be necessary for removing abuses. Parliament might apply the remedy which it had already applied in the minor case of the re-enactment of the Bill in Aid. This was the worst conduct which had been adopted by the Assembly since the Bill had passed; he did not, in any degree, palliate it. At the same time, the Imperial Parliament might apply an immediate and most ample remedy. By the Act which had already passed that House, they had, as he thought, applied a remedy, by directly punishing the wrong-doer, and by affording redress to the injured party; by declaring the immediate emancipation of the apprentices who should have suffered injustice or oppression. Moreover, they had placed the power in the hands of those who were trusted by the executive Government, who were appointed by the Government of this country. So far also from having a right to charge a breach of faith on the colonists, in matters of law, let them see whether the charge could be substantiated? Did Parliament confide any share in the administration, either to the Legislative Assembly, or to the local magistracy? On the contrary, Parliament deprived the local magistracy of all jurisdiction over the negro population, and placed the whole in the hands of special magistrates appointed by the Colonial-office, most carefully selected, so as to ensure that there should be no bias in favour of the planters. He believed that the colonial government took every precaution to prevent evasion or thwarting of the Act, and showed the greatest distrust and jealousy of the planters. In this he acknowledged that Government had acted wisely, but, at the same time, the Legislature could not charge a breach of faith on those in whom they had placed no trust. They had heard also of great abuses, of shocking oppressions, and of immense cruelty; and, in support of these statements, the conduct in the workhouses had been adverted to; and he might be allowed to add, that he believed the abuses in the workhouses constituted by far the largest majority of the shocking cases of abuse, oppression, and cruelty. But would emancipation remove those evils, or would it of itself form any remedy at all? He need not remind their Lordships, when they complained of the cruelty, of the oppression, and of the injustice which happened in Jamaica, that free persons were not entirely free from these evils. Had they not lately heard a great deal of the abuses in our own workhouses? They could not forget also the appalling catalogue of abuses which had been recited by his noble and learned Friend near him (Lord Brougham) under the Old Poor-law; and could they consider, that Jamaica would be free from evil, when such were the oppressions practised in the workhouses in England? The evil, as they now existed, would be aggravated when all the old and infirm persons who were now maintained on the estates, would be driven to the workhouses; and that all the misdemeanors, which were now cognizable before the Special Magistrates, and were punishable by them on their own sentences, and on the estates, would all be thrown into the workhouses; that the offences would be cognizable by the Local Magistrates, who would generally punish them by imprisonment in the very workhouses where these great abuses now prevailed. He did not justify the abuses, but he called upon Parliament to consider an immediate and effectual remedy; and a proper remedy, one which ought to be applied previous to the entire emancipation, was, in his opinion, the introduction of a Poor-law system. He said, also, that it ought to be the same as that already established in this country; and he asked noble Lords, when they recollected what length of time had been required for, and what difficulty had attended the establishment of the New Poor-law into England, and the still greater difficulties which had attended its extension to Ireland, whether there would be less difficulty, and whether less time would be required, in introducing the system into Jamaica, and whether it could be established within the few months, which would elapse, prior to the 1st of August? Nor was this the only law which was required. The whole of the penal code of the colonies had been framed, with a reference to the anomalous state of society there, the division into two classes, the one highly privileged, and the other completely servile; and he need not remind their Lordships, how many modifications were necessary to accommodate the laws to the great change by which all persons in the Colonies, would become entitled to their civil rights and liberties. He knew, that this subject had not escaped the attention of his noble Friend, the Secretary of State for the Colonial Department; and he would appeal to his noble Friend, whether, upon the many points to which he had directed his inquiries, the laws necessarily requiring modification before complete emancipation was accorded, were either inconsiderable in number, or in importance? He would also ask his noble Friend, the late Governor of the island of Jamaica (the Marquess of Sligo), whether he did not think, that there would be extreme difficulty within the period, which would elapse before the 1st of August, to effect all the modifications which were necessary for the success of so great a change? And would their Lordships emancipate the apprentices, without preparing those modifications of the law, which were necessary for the transition, from a state of slavery to a state of freedom? Would they increase the difficulties, which were already sufficiently great? Or would they not rather persevere in carrying out the plan which they had laid down for themselves, which had been considered at the time to be as sure as it was safe, which had hitherto worked more satisfactorily than the most sanguine of its supporters, had anticipated, and which, if it were defective on any points, they had the power in their own hands, to apply the correction; to which correction he had never heard the shadow of any objection advanced by any Member of that House, and to which it must be allowed on all hands, that not the shadow or a word of opposition had ever been offered by any person connected with the West India Colonies?

Lord *Brougham*; till my noble Friend who had just sat down had made the remarks which he has addressed to your

Lordships it was not my intention, as my noble Friends who sit near me know full well, to have said one word on the general question of negro emancipation. I heard the noble Duke opposite present the two petitions, the two solitary petitions, which have been presented on that side of the question, in answer to the thousands upon thousands of petitioners whose petitions have crowded the table of your Lordships' House and of the other House of Parliament—the two solitary petitions which have lifted up their voices in either House of Parliament on one side of this great question; and, my Lords, I give the petitioners credit for proceeding with due care, for having formed their opinions after great and due deliberation: so far I am willing, my Lords, to attribute great weight to the petitions, and to give to them, from this circumstance alone, some of that value which makes up for the want of numbers when compared with other petitions. The petitions undoubtedly came from those who are deeply interested in this great question, after calm inquiry and with the utmost impartiality; with that perfect want of rashness, that perfect absence of partiality, which never fails to actuate the determination of a man in his own case, and in that singular tribunal where one and the same individual is both a party in the cause and the judge who is to decide its merits, and with that calmness, that delicacy, and with that conscientiousness, and that perfect disinterestedness, these petitioners have come to the clear and decided opinion—God wot that it is clear, God wot that it is decided enough—and perhaps they might have added, without doing to themselves any injustice, an unalterable opinion against the vast numbers of their fellow-citizens who are loudly calling for the abolition of the apprenticeship system, of that vast body of persons who are loud and unanimous in the prayer which they have directed to effect their object in their petitions to both Houses of Parliament. My Lords, on the presentation of petitions I have rigorously observed the rule, and I will appeal to the noble Lord opposite (Viscount St. Vincent), who asks leave to refer me to my own remarks upon an entirely different subject—I will appeal to that noble Lord, if indeed—which I very much doubt—he has been present on any other occasion, save this night, when I have presented petitions, if I have ever deviated a hair's breadth from the rule which I have laid down, not to raise debates on the presentation of petitions, and if I have on any one occasion ventured to raise a discussion on their merits. Night after night, my Lords, I have presented scores and hundreds of petitions on the subject of negro emancipation; I have stated the name of the place only from which they came, and I have made no one observation, except, indeed, when noble Lords, without arguing the subject, expressed their change of sentiments, and supported, not incidentally, but avowedly, my propositions; not introduced to your Lordships' House by any interlocutory remarks, but after I had distinctly avowed my own opinions, and had, after full notice, brought the subject before your Lordships' House; but when my Lords, night after night, and one after another; I heard noble Lords, rising in their places declaring their conversion, I could not refrain from an expression of my joy, unaccompanied, however, by one single word or argument or observation. So, my Lords, when to-night I had received the opinion of my revered and excellent friend, the Lord Chief Justice, I simply read it to your Lordships; but now, my Lords, after all this care, I find myself involved in inquiry, I find the whole merits of the question dragged into discussion; and, my Lords, I have considerable doubts in my own mind, doubts which I shall determine before I sit down, whether I ought not now to conclude with a motion which I avowed that I would postpone till after the recess—whether I ought not now to press what I would not have attempted to revive till after that period--and, my Lords, I can do it, for it requires no notice—whether I ought not to take the sense of the House upon the important question which has been raised and debated by my noble Friend who spoke last. The noble Duke slightly mentioned the subject on the presentation of the petitions with which he had been intrusted, the noble Viscount on the opposition benches (Viscount St. Vincent) entered upon it at greater length, but the noble Lord who spoke last, from the seat behind, has debated it as minutely and as fully as if the question then on the table of the House, were, whether a bill to effect immediate emancipation, and which had been read a first time, should or should not be read a second time—Whether the debate into which I have been dragged shall compel me, whether the debate which has been got up, doubtless without any concert and without any notice, and, at any rate, without any concert with me, and without any notice given to me, in which the planters' interest and the interest of the West Indian slave-holders have been set against the interests of the negroes themselves and against the intention and the prayers of the people of this country, shall urge me to proceed; and whether it be desirable for the planters, even for their own sakes, in the present state of affairs, and under the peculiar circumstances in which they are placed, to force on this very night a discussion on the merits of the hundreds of thousands of persons who have petitioned for the abolition of the West Indian slavery; whether I shall adopt the suggestion remains for me to determine before I resume my seat. Instead of doing so I should, when the noble Duke had presented his petition, have risen to say that I trusted that neither the House nor the noble Duke would consider me guilty of any want of respect if I declined to say one word in answer to the arguments adduced by the petitioners, that their beneficial interest ought to be respected, and that a right of property had been established, but that I would reserve myself upon that point, as well as upon the whole of this great question, to a more fitting occasion, o the second reading of the bill which I have introduced to your Lordships' House. Such was my determination, and I am sorry that that determination, I lament, I grieve, that by any, and especially by as deliberate a statement as it was possible for a planter to make, or for a pen to deliver, that determination should have been altered, and that I should have been dragged, as it were, into the discussion of the whole question of Negro Emancipation. But I know, my Lords, if I did not enter upon it, what would be said; I know that it would be immediately stated, that the prayer of the petitions which I have had the honour to present could not be supported by argument; but that immediately the planters, at the eleventh hour of the day, when the hour was about to strike, brought forward their case, the friend of the negro apprentices flinched from his duty, glossed over each, and that all was silence; and knowing this, I am compelled, in some sort, to enter upon the discussion of this question. And, first, I will express my gratitude to my noble Friend near me that the skill which he displayed was by no means proportioned to his zeal in the cause; for nothing can be more decisive in favour of the demands which I have made, nothing can be more in favour of the views which the petitioners have taken, than the statement of the noble Lord, that there is no pretence for saying that there is a compact, or that there ever was a contract. I never yet heard stronger admissions made by any speaker, not made once, but two or three times over—not in the hurry of debate, but after deliberation—when he said, that there was no compact; that a compact there cannot be, because there was no contracting party to make it. Observe, my Lords, how the case stands, and I hope that this proposition will have its due effect elsewhere, in any vote which may be come to upon this subject, that this most important admission had been made for the planters, by one of the most influential of their body, by their chief representative [No, no! from Lord *Seaford*]; at all events, by their main supporter, who for many years (and this must not be forgotten) was the chairman of the West Indian body, a great planter himself, and the leader of the body for many years in the other House of Parliament—the zealous opponents, the bitterest opponents, of emancipation [No, no! from Lord *Seaford*]. If it were possible to find a more bitter opponent—a more strong, a more vehement, if the noble Lord preferred sweeter words—but a more strong, a more vehement, a more unhesitating opponent than his noble Friend had that night proved himself to be—grounded, as I fancied, on his opinions against emancipation, till the hour shall have struck twelve on the night of the 31st July in the year 1840—I have never heard either within the walls of Parliament, or without the walls of Parliament. And what has been the admission which has been made upon this high authority, which will put an end to all difficulty? That as for any compact, any breach of faith, any contract, any bargain being made, there was none; he says, that what was done by Parliament was done by itself, and that it had no authority to make the compact; and the noble Lord drew this corollary from his own statement, bearing out his view of the case—therefore to talk of a breach of faith was preposterous, because there was no faith plighted; there was no breach of compact, because no compact was made; there was no breach of contract, because no contract was struck; and, after this statement, I should like to see the man, as a curious specimen of human boldness, who could step forward and say, that the negro has no right to his freedom, and that every apprentice ought not to be free, as there is no longer any argument that there was a compact, that there was any bargain, that there was any contract, that there is any breach of faith, when the representative of the planter, when the chosen advocate of the planters, avows that of bargain there was none, of compact there was none, of contract there was none, and that therefore of breach of faith there was none; and who would say, that there ought to be one moment's delay in granting that immediate liberty to the slave which they had found in every colony in which it had been tried to have been usefully, safely, and peacefully carried into effect. Then, as to the argument of my noble Friend of whom I wish to speak with the greatest possible respect, that the legislature must give time to prepare the negro for emancipation—to prepare the negro! Will the noble Earl just be pleased to answer one question which his speech has suggested? I would treat the noble Earl more kindly than noble Lords have on this occasion treated me. I will not require the noble Earl to answer the question now, but will give him the whole of the recess to find an answer to it, though I cannot consent to let the noble Earl write over to the West Indies for an answer; that would be rather too long a delay. But let him take the next month, and then answer the short and simple question which his speech has suggested. The noble Earl's argument was this; "you cannot emancipate the negro apprentices now, because you have not given them time to be prepared for the enjoyment of complete freedom." What time was given for that purpose in Antigua or in Bermuda; or what preparation was made for the event which occurred the other day only in Montserrat, and which thing was very nearly happening in the great slave colony of Barbadoes? But the question I wish to ask the noble Earl is this, what preparation has been made for the ultimate freedom of the negroes during the last four years? Because I suppose that if the six years' apprenticeship were intended by way of preparation, the preparers had not stopped till four years of that term have elapsed, and begin the preparation at the commencement of the last two years. And moreover, since that preparation was, in the opinion of the noble Earl, so necessary, what steps have been taken at this moment to begin, the sexennial preparation having been entirely neglected? That is one question which I will thank my noble Friend to answer, and to which I will take leave to add another. The prædial apprentices will cease to be such in 1840; but the non-prædials will cease to be apprentices on the 1st of August, 1838. Do they require no preparation? I know that the non-prædials are not by a great deal so respectable a class of men as the prædials. The prædials are more respectable ten to one, in habits and character, than the non-prædials. But all the non-prædials, "unhouselled, unannealed," are to rush into freedom on the 1st of August, 1838, without anything like preparation. In Jamaica there are 350,000 negro apprentices, of whom no less than 50,000 are non-prædials. But my noble Friend has said nothing of them, they were no one tittle prepared, nor had anything been projected for preparing them for that state of emancipation which, neverthertheless, all knew and admitted they were to enjoy on the 1st of August, 1838. If your Lordships are willing to grant my noble Friend all his premises, and are willing to shut your eyes to those parts of the case which are against my noble Friend, then indeed he might be said to have made out a strong *primâ facie* case. But, says my noble Friend, "You must have a Poor-law Bill, and provisions against vagrants." Here again I will say nothing of Antigua. There is no Poor-law there; but if a Poor-law be necessary, I make no doubt that it will come in good time, and that it will be passed by the same wisdom that has already emancipated the slaves of that colony. But I will not refer to Antigua, lest it should be said that Jamaica and Antigua are in different circumstances. But is there no Vagrancy-law, no Poor-law wanted, no preparatory law required with respect to the 50,000 non-prædials? And yet, without any one such law having either been projected, propounded, or even thought of, they are to be emancipated on the 1st of August next. Then the petitioners even made the matter a question of currency. I was very much diverted at observing that the two great questions which have vexed this country for so many years—which have tired the one party and tortured the other, and of both of which your Lordships have certainly had your share—one, the currency question, or Mr. Peel's Bill [*Hear, hear! from Earl Stanhope.*] Oh, yes! I expected that cheer from my noble Friend, because I know my noble Friend is just as strong upon Mr. Peel's Bill as upon the Poor-law, and I believe (I say it with all courtesy) just as right upon the one as the other. We have heard much of one or other, or both of these subjects; and, accordingly to-night we have heard almost as much of the Poor-law Bill, as of the emancipation of the negro apprentices. But now we have also the unexpected, I will not say pleasure, but the unexpected variety of the currency question. These petitioners say, " you cannot emancipate the negro apprentices." Why? Because you must have a new currency. It is made a question of coinage, and not of contract, not of compact. But what has become of the twenty millions? Surely, they might have set aside a little bit of that for a new coinage! My noble Friend seizes upon the Poor-law; he exclaims, " This is an unexpected pleasure! I do not care any thing for that stupid subject, slavery; but I now find that the subject is as good as a Poor-law Bill." Yes, the question of negro apprenticeship has been so treated by the petitioners; a little so by my noble Friend opposite (Earl Stanhope); and very much so indeed by my noble Friend behind me (Lord Seaford). But I will not be dragged into the question of a Poor-law. I will have nothing to do with it; and as to the monetary question, I must say anything more ridiculous and more absurd (and I speak it with all respect to the people of Liverpool) than the making this a monetary, a currency question, I never yet heard of in the whole history of digressions. How, it is asked by the petitioners, will wages be paid when the negroes are free labourers? Why, the same means will exist for paying wages, then, as exist now. How are the goods to be bought? Goods are imported now—imported by the transactions of the Colonies with this country. The free negroes will have to buy those goods which are now purchased by the master for the slaves. But when they become free, the masters will pay the slaves in money, and then the free negroes will purchase the goods themselves. All this will be carried on by the same circulation, without the necessity of one single farthing, or the fraction of a farthing more being required after the first of January, than before. But if 350,000 slaves require for their transactions a considerable increase of currency, it is a rule of three question, how great an increase 50,000 will require; and yet you make no provision for them, while it is clear, that the non-prædials will require more currency than the prædials, because the former are not payable by means of provision grounds, but in hard cash, and their wages also are higher. The prædial slave works for a small piece of money compared with what carpenters and artizans receive; and yet no provision of a monetary nature, no Peel's Bill, has been propounded to accommodate the 50,000 non-prædials, who will be emancipated upon the 1st of August next. My Lords, I begin to relent when I come near the body and bulk of this question, and really feel that I owe it to your Lordships, not to be dragged, whether I will, or not, any further into this premature discussion. Yet, I beg distinctly to say, that it is not from any apprehension of not being able to meet my noble Friend, for a set of more flimsy reasons, I never yet heard offered on any side of a question than what have been advanced; but because it is inconvenient to go out of the course I had prescribed to myself, not to debate this important question on petitions, anticipative of what is soon to arrive—the opportunity of discussing the whole merits of this question at a proper time, and in the right stage, namely—the second reading of my Bill, which will raise the question of the principle of the Bill. My noble Friend opposite (Viscount St. Vincent) is a planter; and my noble Friend near me (Lord Seaford) is also a planter. Now, I ask them, are they quite sure that the question is any longer in their hands? Are they quite sure that they have the option of now refusing the emancipation of the apprentices on the 1st of August next? I am treading upon tender ground; I am going to touch upon still more tender ground; but they have dragged me into it; I cannot help it. I should not have said a word, if they had not forced me into a premature and unseasonable discussion; but, my Lords, I owe it to that measure which I have so long advocated—I owe it to myself—I owe it to the peace of the colonies, and to the prosperity and safety of the planters themselves, above all other interests, I owe it—not to withhold my observation. I have great confidence in the peaceful disposition of the negroes. That confidence I feel because it is founded upon long experience of their quiet and patient demeanour. Show me anywhere, all over the world, a race of men who could have borne as much as they have for ages borne, with hardly a murmur and scarcely an outbreak in their history! Upon this history of the negro—his hard fate—his long and cruel sufferings—his unexampled demeanour under those sufferings—his patience, far exceeding the patience of the sons of men ordinarily in other countries—upon this character of the negro, so attested by all his conduct in all ages, I build my hope, that he will continue peaceable to the end. But, my Lords, I am not the man to say, that even the negro will continue peaceful under all circumstances, and when the cup of disappointment is filled to the overflowing. He has now known, that for the last six months an unexampled fervour of public feeling has been excited in his favour. He is as well acquainted as you are with all that has been going on in England, Scotland, and even now in Ireland. He knows that the feelings of the people of England have been roused, their opinions formed, taken, and loudly expressed, and his hopes are directed to one point—that of his ceasing to be in chains at all on the 1st of August, 1838. To that day his hopes are pointed—his feelings are directed—his expectations are fixed. If, on that day, after the unanimous voice of the people of this kingdom has been expressed so loudly—so universally—so unremittingly for his emancipation on that day, and if he, knowing as he does the universality and earnestness of that expression, shall still be kept in chains, my belief is, that he will still continue patient—that he will still refuse to join in the breach of the peace, but I have a confident expectation that the hoe will fall from his hand, and that if he work then he will work by compulsion, and by compulsion alone. My opinion, therefore is, that you have not a choice—that it is no longer optional with you; and that now that the general voice has fixed that day for the cessation of negro bondage, it is as much as the prosperity—I do not say the peace—but as much as the prosperity of the West Indies is worth, to delay it eight-and-forty hours longer.

The Earl of *Winchilsea* considered that the period of seven years' apprenticeship was a portion of the compensation to the planters, and he thought that if those years were properly employed, the negro population would be much better able to discharge their social duties when they should finally become free. But he most sincerely regretted that the question respecting the shortening of the apprenticeship term should have been raised in this country. It did not appear to have arisen among the negro population themselves. No expression on that subject had emanated from that body. It was his confident opinion that some preparatory steps must be taken previous to the expiration of the apprenticeship system; and he should say that some act ought to pass for the purpose of giving the negro population, when they become free, a legal claim for support on the colonies in the shape of a poor-rate. He would not, however, trespass on their Lordships' attention then, as another opportunity would be afforded for fully discussing this question. He was sure that every man in this country was anxious to wipe away that stain from the country in the shape of slavery which now attached to it, and that their sole object must be to do justice to all parties. With respect to the question of compact with the planters, he certainly could not but consider that there was a fair and honest compact entered into by the Legislature of this country with the planters; and that if that compact were violated, he could not conceive what confidence could ever be placed in any act of the Legislature.

The Marquess of *Clanricarde* said, that when the time came he should be prepared to show that it was impossible to consider any act of Parliament, particularly an act passed in the manner that the Emancipation Act was, to be in the nature of a compact or an agreement. If any alterations were effected in the original provisions of that bill, it was the result of the deliberation of Parliament, and not of any compact with the Assembly or the planters of Jamaica. That act was passed by the wisdom of Parliament, and by the wisdom of Parliament it might be altered.

Viscount *Melbourne* said, that considering the magnitude and great importance of the subject of the present debate, considering its extreme urgency and the very intimate acquaintance which his noble Friend behind him (Lord Seaford) had with it, he could not think, that it was in the slightest degree extraordinary that he should go somewhat more at large into the subject than it was usual to go on the presentation of petitions. At the same time he did not deny, that, considering the share which he had taken in this question, considering the zeal with which he had maintained the cause he had supported, and of his having gone so much at large into it, it did impose on the noble and learned Lord the duty of replying to some of the arguments which his noble Friend had urged. Something was said by a noble Lord last night about the propriety of setting aside Wednesday for the discussion of petitions. This, he thought, was impracticable. He believed, that discussions upon petitions were likely to be as long as discussions in any other form. But the noble and learned Lord had adverted to his absence on Wednesday, being the day fixed for presenting these petitions. He could assure the noble and learned Lord, that he (Viscount Melbourne) meant no disrespect to the House, to him, or to that numerous body of petitioners who had intrusted their prayer to the noble and learned Lord's hands, by his absence; but it not being settled until the day before, that the House was to sit on Wednesday, and naturally considering that to be an open day, he had made many appointments and engagements of very great importance for that day, with the nature of which the noble and learned Lord was himself, he (Viscount Melbourne) apprehended, acquainted, and that was the reason that he was not present on that occasion. But, to return to the subject immediately before the House, he begged to say that, not yielding to anybody in anxiety for the welfare of the negroes, for the amelioration of their condition, for the improvement of their situation, and ultimately for their enjoying that state of liberty which he felt they might with safety enjoy, and to which he agreed with the noble and learned Lord they had shown themselves thoroughly entitled; yet he could not but at the same time express his most anxious concurrence in the opinions expressed by the noble Duke on the present occasion. He owned that he felt the greatest possible apprehension from the precipitation with which this great and important question had been hurried forward. He was not surprised at any strength of feeling that prevailed among the people on this subject; he was not surprised at the eagerness that had been evinced concerning it; or that many persons should, by the indignation that had been expressed by others, have been urged to pursue the course in which they had engaged; but, at the same time, he did confess, that he was somewhat surprised at the quarter whence opinions had emanated by which these hasty and precipitate discussions might be considered to have been promoted. It certainly behoved those whose influence it must be known would operate, to have ascertained what their own opinions really were, before they added the weight and impulse of their authority to that course in which they were not entirely prepared themselves to coincide. The noble and learned Lord had read a letter from a noble and highly respected Friend of his in which that noble Lord stated, that, in his opinion, no compact whatsoever was entered into with the planters of the West-India colonies by the great Act passed for settling this question in 1833. It might be very possible that the noble and learned Lord (Lord Brougham) might find persons to coincide with him in opinion that the Act of 1833 was not, in the legal sense of the word, a compact. Certainly there were no persons to whom letters of attorney were given by the planters to act for them here on this question. He could suppose that if the question were put to the noble and learned Lord as a casuist, that he might find means to invalidate such a compact; that he might discover some argument for escaping from its obligation; some loophole through which to evade its force and true meaning. But of its fair purport and of the understanding which existed at the time of its being passed—and of which their Lordships were as good judges as the noble and learned Lord himself, so far as their abilities were equal to his—he (Viscount Melbourne) must say, that fairly speaking, there was a full and clear understanding that this apprenticeship system was part of the advantage offered to the West-India planters for the risk they were subjected to, the danger they incurred, and the hazard they had to meet. The whole language and proceedings of Parliament ever since had only tended to confirm this original interpretation of that Act. In proof of this he would call their Lordships attention to the report of the Committee of the House of Commons in 1836, which was mentioned in the petition presented by the noble Duke, and in which it was distinctly stated, that although the Committee believed that great abuses had existed, yet they saw no reason for abridging the original term of apprenticeship. The noble and learned Lord had asked what preparation had been made to qualify the negro to become free? The report of this Committee most distinctly recommended that no preparation should now be made with respect to the apprentices to be emancipated in 1840; because those measures that might be necessary could be taken with much more knowledge of the subject than could now be had, if they were deferred until the time for the final emancipation of the negroes arrived. Therefore, if these measures of preparation had been delayed, it was at the recommendation of a Parliamentary Committee —that Committee consisting of those who had been the most anxious friends of the negroes. In his opinion, it would not only be hard upon the planters themselves, but dangerous to the peace of the colonies, and injurious to the great measure of the Legislature, to cast, as it were, these emancipated negroes so hastily and prematurely upon the West-India islands, without having made any preparation, and which the Committee desired should not be made until the near approach of the period when the emancipation of the apprenticed negroes would take effect. I cannot but view (said the noble Viscount) with the greatest apprehension the precipitation with which this question is attempted to be hurried forward. It is unjust to the planters and harsh in its operation, because it metes out the same measure to all the islands and to all the Houses of Assembly, who are at least in different degrees of fault, whatsoever may be the culpability any of them may have incurred; and next it is unjust, because it visits the whole body of planters for that which is only the fault of the House of Assembly, and which the Assembly has the power to remedy and supply. But, my Lords, I beg to say, that all these questions about injustice and breach of contract on the part of the Assembly are as nothing, in my mind, compared with the danger we run in respect to the success of our ultimate measure, and the injury we may do to the negroes themselves if we hurry on this important matter in so unexampled a manner. Such a course of proceeding may lead to the greatest possible evils, and interrupt that system which, however mixed up with defects, with irregularities, and evils of another description, is at present proceeding, upon the whole, in a prosperous course, and such as is likely to lead to a happy and auspicious termination. My Lords, it is, perhaps, the greatest experiment that ever was tried by any nation on the face of the globe. If we achieve it successfully it will be one of the greatest exploits that ever was achieved by any nation. Then, for God's sake, my Lords, let us be cautious; let us not mar the great work by our own precipitancy and haste.

Lord *Brougham* said, that the report of the Committee to which the noble Viscount had referred had given anything rather than satisfaction. It said, "Don't begin your preparations too soon; wait till you come within six months of the year 1840." Well, but they were now within six months of August, 1838, when the non-prædials would be emancipated.

Viscount *St. Vincent* said, that the House of Assembly in Antigua took twelve months for preparing their apprentices to become free; and, as a proof that the negroes both there and in other islands had benefitted by the preparations already made, he had himself found, that they were now disposed to accept wages for their labour during that portion of the time which the Emancipation Act gave them; whereas they would not work for wages during those hours at the commencement of their apprenticeship. This was a proof that the time of apprenticeship had been valuably employed. As to the excitement that prevailed on this subject, if the Government of this country did its duty to the colonial authorities, he had no fear on earth of any bad effects resulting from what was called excitement. It had been given out (he meant not to insinuate anything against any one) that this excitement had been promoted, in order that it might be made use of as an argument in favour of this premature kind of emancipation.

Lord *Brougham* said, that if the noble Viscount were correct in the fact he had stated, namely, that the House of Assembly had taken twelve months for preparation, he would suggest to him the propriety of moving for a return of all the Acts passed in Antigua from the year 1834 up to last year. This would have a very important bearing on the Bill which he had introduced.

Petitions laid on the table.

The Marquess of *Lansdowne* presented a petition from the Dissenters of Hackney, bearing, among others, the name of a most eminent person; he meant Dr. Pye Smith. The prayer of the petition was, that their Lordships would adopt such measures as should be effectual for guarding the negroes and the colonial population against oppression, and for securing the attainment of all the equitable and beneficent intentions of the Slave Emancipation Act. In this prayer he most cordially concurred. Their Lordships were now engaged upon that subject; and he was confident that they would persevere in endeavouring to secure the great object of giving to the negroes the full benefit of that ultimate Emancipation Act which was agreed to some years ago. He should rely upon the justice and humanity of their Lordships; but upon that justice, as well as upon that humanity, also he relied, that they would not be betrayed into any hasty step which would equally compromise the interest of the planter and the future happiness of the negro, which, he believed, were essentially blended and united with each other; and that, if they exist at all, must exist in the relation of employer and employed.

Lord *Brougham* entirely concurred with the noble Marquess, that there could not be a more respectable or more learned divine, than Dr. Pye Smith, whose name stood at the head of the twenty or thirty persons (very respectable persons, he had no doubt), whose signatures were attached to the present petition—a petition which opposed itself to the feelings and wishes of the general body of the people in every part of the country, and expressed a decided opinion against the propriety, policy, or justice, of an immediate emancipation of the negroes. The opinion of Dr. Pye Smith, and of the twenty or thirty persons who joined with him in the prayer of the petition, was, no doubt, of great value; but he (Lord Brougham) must remind the noble Marquess, whose views seemed to accord with theirs, that they were mightily contracted in number as compared with those who entertained directly the contrary opinion, and who had sent thousands of petitions, signed by myriads of persons, to Parliament, praying for the immediate emancipation of the negroes on the 1st of August next. Dr. Pye Smith and his twenty or thirty coadjutors, were, no doubt, very honest and very sincere in the opinions they expressed; but they were opinions of which Dr. Pye Smith and his friends possessed an entire and complete monopoly—out of the whole population of the country they would find no one else to share those opinions with them. Therefore, with all respect for Dr. Pye Smith, he could not say, that the mere weight of that learned gentleman's authority was sufficient to make him abstain from supporting that which he considered the sounder and wiser course.

The Duke of *Wellington,* referring to some of the observations which had been made by the noble and learned Lord (Lord Brougham) with respect to the discussion which had arisen upon the petitions presented by him (the Duke of Wellington), observed, that he should not that night have called the attention of the House to them, except upon this one and solitary ground: that he understood the noble and learned Lord was not likely to be present in the House to-morrow.

The Marquess of *Lansdowne* had not presented the petition to the House as one coming from a numerous body, but simply as coming from a class of persons whose opinions were entitled to consideration. He should not have spoken upon the subject, except to show that although the great mass of the people (whether well-informed upon the subject or not, he would not stop to inquire), were in favour of immediate emancipation, there were at least some persons in the country whose opinions ought not to be slightly regarded who entertained a contrary view of the question.

Lord *Brougham* had already observed, that he was disposed to allow great weight to the opinion of Dr. Pye Smith; but it would be seen that that reverend gentleman had not formed any very strong or very settled opinion upon this subject; for if he were not misinformed, a petition from Dr. Pye Smith, and signed by sixteen or seventeen theological students over whom he presided at the Homerton College, praying for the immediate emancipation of the negroes, would be presented to-morrow evening by the noble

Lord who had been his predecessor and successor upon the Woolsack.

The Marquess of *Lansdowne* knew nothing of any other petition from Dr. Pye Smith. He had confined himself to a brief statement of the substance of the petition intrusted to his care, and in doing so, he conceived, that he was at once performing his duty, and allowing an opportunity to the noble and learned Lord of making a speech upon his favourite topic; an opportunity which, as he expected, was readily seized.

Petition laid on the table.

MAGISTRACY (IRELAND).] The Marquess of *Westmeath* rose to submit the motion of which he had given notice. The circumstances under which he was induced to bring it forward were these. Some time since, a gentleman named Shiel was appointed to the magistracy of the county of Westmeath. Previous to his appointment, he, (the Marquess of Westmeath), as the lieutenant of the county, was applied to, to know whether it was his opinion that Mr. Shiel should be appointed. He replied, that he saw no reason whatever for the appointment of that Gentleman—that the returns which had been furnished showed that the business of the petty sessions was properly attended, that the number of magistrates already appointed was amply sufficient, and that Mr. Shiel was not in a situation in life, that could in any way entitle him to expect to be placed in the commission of the peace in a county in which there were a great many gentlemen of rank and property. Notwithstanding the opinion so expressed by him, Mr. Shiel was placed in the commission of the peace. Since the last Session of Parliament, and shortly after he returned to Ireland, the general election took place, a considerable excitement was expected in the county of Westmeath, the Irish Government ordered a number of cavalry, and an additional police force to remain in the county during the election. As had been anticipated, considerable excitement, and some disturbances took place whilst the election was going on. Mr. Shiel was then in the commission of the peace. He was now about to narrate circumstances which he knew only from common report, the Irish Government having refused to furnish him with any information upon the subject. In the month of September, several magistrates in Westmeath stated to him, that this Mr. Shiel had been found in a common public house, at a late hour of the night, on or about the 8th of August last, in the midst of a tumultuous meeting; that he was detected there by the police, and the resident magistrate, by whom they were accompanied; that the police were very ill used; that the chief constable was not only opposed, but roughly assaulted in the execution of his duty; and that the resident magistrate himself was extremely ill-used. Upon hearing this statement, he made as many inquiries as he could, to lead him to the truth of the transaction. He applied to the resident magistrate himself, from whom, however, he obtained but very little information. But the circumstance became so extremely notorious, that a communication was made to the Government upon it, and, as the conduct of the magistrate had been such as to disgrace the Bench, he supposed that some immediate steps would be taken. Nothing, however, was done; wherefore, in the month of December he felt it his duty again to interfere; and between the 7th and 28th of that month, he addressed several letters to Mr. Rowan, the resident magistrate, and also to the proper officers acting immediately under the Government in Dublin, detailing what he had heard, and requesting to be informed whether the statement he had received was correct or not. To some of these letters, very vague and unsatisfactory answers were returned; of others, and especially of the last, no notice whatever was taken. The disgrace therefore, which Mr. Shiel had brought upon the Bench in Ireland still continued. Now, in order to bear out the imputation which he hereby made upon the Irish Government, he should refer for a moment to the opinions delivered by the noble Viscount (Viscount Melbourne), then Secretary of State for the Home Department, upon the introduction of the Lieutenant of Counties (Ireland) Bill. Upon that occasion, the noble Viscount pointed out, as one of the great advantages of the Bill, the accurate information which it would enable the Government to obtain, through the medium of the Lieutenant, with respect to the character and conduct of every person whom it might be proposed to place upon the Bench of Magistrates. Lord Stanley dwelt much upon the same point, in recommending the same measure to the House of Commons. The recommendation of the Lieutenant was, in every instance, to be strictly attended to. This was the great advantage of the law. In the instance to which he was now referring, the recommendation of the Lieutenant had been wholly disregarded. Both Mr. Jephson, a most respectable Member of the House of Commons, and a supporter of the present Government, and Mr. Spring Rice, a leading member of that Government, had expressed opinions of a similar character. He did not, of course, deny the abstract right of the Lord Chancellor, to appoint magistrates, without the recommendation of the Lieutenants of counties, but he doubted whether in this country, in its better days at least, it had ever been the practice to appoint magistrates merely for the purpose of exercising an abstract right, or for the mere amusement of making magistrates. In the present case, the appointment was a most improper one, and the Government having failed to account for it, the only view that remained of the transaction was, that it was intended to keep this gentleman in the commission of the peace, let his conduct be what it might; to defy public opinion, and insult the other magistrates of the county. He was in hopes that the subject having been thus brought under the notice of the first minister of the Crown, that noble Lord would deem the matter worthy of a full inquiry. The noble Marquess concluded by moving for—

> "A Copy of Correspondence between the office of Chief Secretary of Ireland, and the Marquess of Westmeath, relative to the removal of Sir Richard Nagle, Bart., from the Lieutenancy of the county of Westmeath, and his re-appointment thereto; also a copy of correspondence relative to Sir R. Nagle's removal and restoration to the commission of the peace; and to the appointment of — Shiel, Esq., to the commission of the peace; ordered 11th July."

The Marquess of *Lansdowne* was quite ready to admit, that on the occasion to which the noble Marquess alluded, it very clearly appeared that there had been some not very proper conduct on the part of some parties. He could assure the noble Marquess, however, that the government of Ireland would not suffer such conduct to pass over without full inquiry, and he could inform the noble Marquess further, that such an inquiry was in the course of being made. In the correspondence which had in the first instance taken place on the subject, the most conflicting statements had appeared, and in consequence of these conflicting statements, the Lord-Lieutenant had determined to institute a full inquiry into all the cirumstances of the affair. That inquiry had been delayed in consequence of the necessary absence from Ireland of the Member for King's county, but on that hon. Gentleman's return to Ireland, the inquiry would doubtless be proceeded with, with as little delay as possible, and when the inquiry was terminated there would not be the slightest objection to lay all the documents connected with the subject before the House. Under these circumstances he conceived the noble Marquess would think it unnecessary to persevere in his motion.

The Earl of *Wicklow* was of opinion, considering that the noble Marquess's application on the subject was made so far back as August last, that there had been ample time for making the fullest inquiry. The noble Earl observed that the system of taking the recommendations of county Members should be acted upon with great caution, and in such a manner as to relieve the lieutenant of the county to which the magistrate was appointed, from all responsibility. He hoped that the inquiry would be prosecuted with as little delay as possible.

Lord *Plunket* had no knowledge of the particulars of this case; no complaint or statement had been made to him on the subject, though he might observe that if there had, he should have required the statement, involving the character of a magistrate, to have been verified on oath, and if any inquiry were pending, this would have been with him a reason for not proceeding in the matter till the inquiry was terminated. He had nothing to say in reference to the particulars of this case, but he was thoroughly convinced, from his general knowledge of the noble Lord, of the anxious desire on the part of the Lord-Lieutenant of Ireland to pay the utmost attention to every complaint brought before him, and to do uniform justice. He had, however, a general recollection of the appointment of a Mr. Shiel to the magistracy some two years back, and his idea was that Mr. Shiel had come recommended to him by the Lord-Lieutenant as a person who, in the opinion of the executive government, was proper to be appointed to the magistracy. And he would frankly tell the noble Marquess that he held it to be his bounden duty, when any representation was made to him by the executive government of the propriety of appointing an individual, to comply with that recommendation, but he also felt it to be his duty in such or similar cases of recommendation always to communicate with the lieutenant of the county to which the magistrate was proposed to be appointed, previous to the appointment being ratified. In this particular case, if he remembered right, he had communicated with the noble Marquess, as lieutenant of the county, stating the recommendation which had been made by the executive government of Mr. Shiel, and inquiring whether the noble Marquess had any specific objection to make to the appointment? In answer to this communication the noble Marquess had stated no specific objection to Mr. Shiel, but had merely generally stated, that he saw no necessity for any additional magistrate being appointed for the county. On this point he (Lord Plunket) had conceived that the executive government was the best judge, and he had consequently ratified the appointment, no specific objection to the individual having been stated. About a month since, however, having occasion to communicate with the noble Marquess in reference to the appointment of another magistrate, the noble Marquess first took occasion to advert to the complaint against Mr. Shiel; but he (Lord Plunket) had by no means felt himself justified, upon a mere cursory remark like this, to call upon Mr. Shiel for an explanation until the whole truth of the allegations made against him had been fully inquired into. There was no duty more painful to a person holding the situation which he (Lord Plunket) held, than that which involved the removal of magistrates. There was no material difference of opinion between him and the noble Marquess as to the course to be pursued in the appointment of magistrates; and he could safely say, that in no case since he held the great seal had he refused to act on the recommendation of a lieutenant of a county; and in cases where the recommendation proceeded from other quarters, however respectable, he had invariably felt it to be his duty to communicate with the lieutenant of the county as to the fitness of the party recommended, though, of course nothing short of a well-founded objection to the individual would be admitted. It was in no respect imperative on the Lord Chancellor to adopt the objections of the lieutenant of a county, unless they met with the sanction of his own conscientious judgment. He (Lord Plunket) could or himself safely say, that he had in every instance discharged this painful and very responsible branch of his duties to the best of his judgment, and with the most conscientious feelings. He could assure the noble Earl that he had never derived any sort of amusement from the exercise of this abstract right, whatever amusement the noble Earl might derive from opposing the appointments. He could safely say, that he had in no case given way to party feelings; he had appointed no person whom he did not conceive to be fit for the situation. The noble Marquess had, besides, charged the Irish government with being actuated by political motives in their selection of assistant barristers. This was a charge which ought not to be lightly made. He was prepared to state, that in no case had the Lord-Lieutenant appointed an assistant barrister without consulting him, and he would take on himself to assert that every one of those assistant barristers had been appointed in the most judicious manner, and and without any party feelings. They were men most valuable for their talents—most reputable, and of the strictest integrity, and had discharged their onerous duties most ably and impartially.

The Earl of *Devon* hoped, that no long delay would take place in prosecuting this inquiry, which noblemen on both sides of the House, who had heard the statements made by the noble Marquess, must feel to be imperatively called for. No person had a more unfeigned respect for the noble and learned Lord who spoke last than he had, or was more satisfied that that would be done rightly which the noble and learned Lord had taken upon his own responsibility; but he had to express his regret that an officer placed in the responsible and highly honourable situation of Lord Chancellor of Ireland should have deemed it fit to state, that if the executive Government recommended a person as a magistrate, he held it to be imperative on him to ratify the appointment.

Lord *Plunket* said, that what he had stated, or at any rate meant to state, was, that, retaining the responsibility of the appointments, if the chief executive minister of the country recommended to him, as

Lord Chancellor, a person as fit to be appointed a magistrate, he felt it to be his duty either to appoint that person to the situation, or himself to resign his office. Of course, nothing would induce him to appoint a person proved to be unfit; and he would repeat, that he had invariably communicated with the lieutenant of the county in each case. In the instance of Mr. Sheil no specific objection had been made to the individual; there was merely a general opinion of the noble Marquess that there was already a sufficient number of magistrates in the county.

The Earl of *Devon* did not see in what way the noble and learned Lord's explanation cleared up the point. All he wished to say, however, was, that the noble and learned Lord appeared to give too much weight to the recommendations of the executive government. It was not said, that the noble and learned Lord ratified the appointment of persons whom he deemed unfit; but the question was, how far steps had been taken in each case to ascertain the merits of the parties?

The Marques of *Headfort* bore testimony that in his county the noble and learned Lord had made his appointments to the magistracy from among individuals distinguished by their respectability and talents, and not from party motives.

The Marquess of *Westmeath* was by no means satisfied with the attempt at explanation on the part of the noble and learned Lord and the noble Marquess. No satisfactory reason had been given for refusing the papers. The evident object in view being a wish to save the gentleman whose conduct had been called in question, and who ought to be removed from the commission of the peace. He would not divide the House, but he would not withdraw his motion.

Motion negatived.

HOUSE OF COMMONS,

Thursday, March 29, 1838.

Minutes.] Petitions presented. By Mr. O'Connell, forty, by Lord Morpeth, thirty-four from the West Riding of Yorkshire, by Mr. M. Philips, Mr. V. Smith, and Lord Dungannon, several from various places, by Mr. Brotherton, forty-two petitions from various parts of Lancashire, by Sir G. Strickland, from various places in Yorkshire, by Sir R. Peel, from Roscrea, from the Wesleyan Methodists, and from the Borough of Stockport, by Mr. Grote, three, from London, by Mr. Gillon, eight, from parts of Scotland, by Mr. Baines, four, from Leeds, by Lord Ebrington, fifteen, from places in Devonshire, by Mr. Hindley, twenty-six, from places in Lancashire, by Mr. Villiers, forty, by Mr. C. Buller, by Mr. Scholefield, by Lord Mahon, by Mr. Hodges, by Mr. Sergeant Lefroy, by Mr. Thomas Duncombe, twenty, from places in Yorkshire, by Sir George Grey, by Lord Sandon, by Mr. Fielden, by Mr. W. J. Dennison, by Mr. Sanford, by Mr. Pease, ten, from Durham, by Mr. Howard, from Wesleyans of Carlisle, and by the Chancellor of the Exchequer, from Cambridge, for the abolition of Negro Apprenticceship.

Abolition of Negro Apprenticeship.] Lord *Stanley* had a petition to present of a different character from the majority of those which had been presented. The petitioners, he was sure, would be considered entitled to the utmost attention. The petition was very numerously signed by persons who had a greater amount of property involved in what was the subject matter of consideration of that night than any other class of persons in the United Kingdom. The petition was from West-India planters and merchants, and they came before that House entreating the House not to violate the national compact into which the Legislature had entered a short period ago, and not to abridge the remaining period of apprenticeship. They stated, that the abridgment would be a very great and serious injury to them, and that many other legislative enactments should precede entire emancipation. There were rules required for the suppression of vagrancy, for the embodiment of militia, for the regulation of the elective franchise, for juries, and for making rules between masters and servants. But there was one point to which he wished to call the attention of Parliament, supposing the measure of the hon. Baronet was carried, and that was, the introduction of a sound currency instead of that which now existed. He was anxious to call the attention of the right hon. the Chancellor of the Exchequer to this point, and had given him notice of it two days ago, knowing that his right hon. Friend would be the last person to undervalue the importance of the subject. The currency throughout the West-India colonies was in anything but a satisfactory state.

Mr. *S. O'Brien* rose to order. Upon a petition the noble Lord could not enter into a discussion.

Lord *Stanley*, up to that moment, had confined himself to the petition. But, even if he did exceed the rule in any degree, he should have thought that some consideration ought to be given to a petition from those whose all, or the greater part of whose property, was involved. He was stating the subject of the petition to which the Chancellor of the Exchequer had engaged to give him an answer. He had to observe, that the petitioners stated, that a sound monetary system was particularly indispensable, and that the present state of the currency was anything but satisfactory.

Mr. *Gillon* rose to order. At that moment the noble Lord had no right to enter into the state of the currency.

Lord *Stanley* said, it never could be the rule to preclude a Member from stating the contents of a petition, or reading it. The petitioners stated, that the currency did not rest upon a sound basis, and that, under existing circumstances, it was difficult to keep the colony in an amount of coin sufficient for the wants of the population. The slaves had been supplied with clothing and various articles of necessity by their masters; but when they were to be paid for their labour a much greater amount of coin would be required. It was necessary, then, to establish in the colonies a sound monetary system. He asked, then, what was the intention of the right hon. the Chancellor of the Exchequer with respect to a new coinage? He concluded by presenting a petition against the abolition of apprenticeship.

The *Chancellor of the Exchequer*, in answer to the question put by his noble Friend, which he admitted was one of very great importance, but not so immediately connected with the subject matter of the debate as was supposed by the petitioners, had to say this, that the subject to which the noble Lord alluded more particularly was under the consideration of Government at the present moment. He was quite sure, that his noble Friend and the House, must be aware, that a subject which particularly embraced the introduction of a new standard of value was not one that could be lightly disposed of.

Sir *G. Strickland* rose and said, Sir, in rising to propose a resolution, "That this House is of opinion that apprenticeship in the British colonies, as established by the act of abolition, passed in the year 1833, should cease and determine on the 1st of August in the present year," I must, in the first place, express my regret that illness has caused the absence of the hon. Baronet, the Member for Warwickshire, who would have done so much more ample justice to this subject. I likewise feel that I come forward this evening under some disadvantage, as I have given a very laborious and patient attention for many hours every day to one of the Committees, so that I have not had that leisure which I should wish to have had. But notwithstanding these disadvantages, I feel encouraged by the consideration, that this is not a party question. I hold it impossible that this all-important subject, resting alone upon the immutable principles of humanity, mercy, and justice, can be disfigured by party. For the first time I feel regret, that there is not in this House any neutral ground on which I could place myself, and by that means have more advantageously appealed to the kind and merciful feelings of hon. Members on my right and left. This subject does, indeed, come before the House under very peculiar circumstances. In the year 1833, that Act was passed which has been called the Imperial Act, the Act of Abolition, an Act which declared, in emphatic terms, that slavery should for ever be abolished. So strong were the words of that Act of Parliament that I cannot refrain from quoting this short passage from it:—

> "That, subject to the obligations imposed by this Act, all persons in slavery throughout the British colonies shall on the 1st of August, 1833, become, and be to all intents and purposes, free and discharged of and from all manner of slavery, and shall be absolutely and for ever manumitted, and that slavery shall be, and is hereby utterly and for ever, abolished and declared unlawful throughout the British colonies and possessions abroad."

If this great promise had been realised, this was all that the friends of humanity and the enemies of slavery have ever asked or wished for. But it is, indeed, an extraordinary circumstance, that an act of this Legislature, hitherto considered all-powerful, should have been passed for five years, and at the end of that long period, when the people of the United Kingdom were flattering themselves with the fond expectation that the great work of justice and mercy was in progress, and that all those wretched persons, 800,000 of our fellow-creatures, were passing through a state of comparative happiness from darkness and oppression—that, after this long time, information after information should be received from the colonies which has raised one universal feeling of pain and distress, from a thorough conviction that the Imperial Act has not been carried into effect, but that it has been passed over, slurred, totally neglected. During the progress of that measure through the House, so anxious were some hon. Members of the House, so delicate were their feelings, that no possibility of injustice should be effected, that after a long and arduous discussion it was at last determined that the enormous sum of twenty millions of money should be paid out of the pockets of the British people to accomplish the great work. I firmly believe, however just and necessary many hon. Members of this House thought it, that this enormous grant should be paid—a grant which at this day is universally believed to have been double the amount of a fair remuneration as a price for the slaves—however delicate and proper the feelings of the House were, yet from experience and from observation I am thoroughly convinced, that the country at large never did respond to the policy of this measure, and that the great majority of the people never approved of the grant being made. I state confidently, that the universal feeling on the subject is, that, especially in a land of regulated liberty, personal freedom was one of the first of the rights of man, and that no price ought to have been paid for it, and that it ought never to be bought or sold. But it is too late now to discuss this part of the subject. I think, considering what has been stated, the House cannot be surprised to hear, that a noble, gallant, and celebrated duke, in another place, declared, that four years after the establishment of apprenticeship, he was ashamed that the Legislature should be called upon for the protection of slaves. I am fully aware that the House thinks it a matter of very small consequence whether so humble an individual as myself has been consistent in my opinion on this subject. But upon moving for shortening the duration of the apprenticeship, I feel that the consideration is essential that I have been consistent, and that I have taken a prominent part in demanding freedom for the unhappy slaves. It is due to myself, that I should set myself right with the House, and that I should show that I have not hastily taken up this subject, and that I have not embarked in it without thought and consideration. When the Bill was before the House of Commons in the year 1833, Mr. Fowell Buxton—that man whose absence from the House I deeply regret, as being one of the best and most tried friends of human nature wherever misery was to be found in any part of the world—that hon. gentleman moved an amendment, that the system of apprenticeship, instead of being continued to the year 1840, should terminate in 1836—in fact, that it should only have two years' continuance. On that occasion, I am reported to have said, that—

> "I have felt from the first how great an object it was, to carry this measure with as much unanimity as possible, but if it really do come to a question, whether I must vote for the shorter or the longer period, I shall feel obliged in consistency to vote for the shorter period. Though for years the emancipation of the slaves has been called for, the people have never expected that it was to be accompanied by remuneration to the planter. I admit, that the arguments of the hon. Member for Leeds are difficult to be answered in favour of compensation. But if it were not trespassing too long upon the attention of the House at this time of the night, I think I should be able to show, that so large a sum as twenty millions ought not to be paid; and as to the length of the apprenticeship, there cannot be a doubt that the voice of the people is in favour of the shortest possible period."

It is my intention to deviate as little as possible from the exact question before the House. My object is to confine myself, as strictly as possible, to the inquiry, whether the apprenticeship system has worked well, or ill. I therefore feel myself entirely absolved on this occasion from entering into the general consideration of the wretchedness and misery produced by slavery—of the complete degradation of all classes of society, wherever the horrid system exists. I pass all this over, because I consider these as principles and maxims which are universally adopted. For the same reasons, it is unnecessary for me to enter upon any remarks upon the great maxim laid down in the powerful language of Mr. Fox, and illustrated with no less eloquence by Mr. Canning, that there is no intermediate state between slavery and freedom, because there is no executory principle. It is unnecessary for me to advert to such great authorities, because I have that of the noble Lord, the Member for Northumberland, whose opinions, I for one, hold in the highest esteem. Upon the occasion I before mentioned, that noble Lord signalized himself by showing, that the allurements of office were a matter of no consideration to him, in comparison with the preservation of his principles. The noble Lord had, on that occasion, addressed to the House a speech, which I am convinced, will do more to hand down his name in the grateful recollection of his country, than all the exploits, he will be able to perform in his office of secretary of war, if he should hold the office for fifty years. Upon that occasion, the noble Lord expressed himself in such a manner, that I feel I cannot refrain from making a few short extracts from his speech. He said,

"My right hon. Friend (alluding to the noble Lord, the Member for North Lancashire, then Mr. Stanley, and Secretary for the Colonies) has said, that he proposes to place the negroes almost in a state of freedom—to give them (I think was his expression) all the essentials of freedom. Could I be persuaded, that such would be the effect of the measure he has recommended, I should be spared the pain of opposing it. But the House must not allow itself to be imposed upon by words. Slavery does not consist in a name." "Sir, I believe it is a truth universally recognized, that men can only be taught industry by having the fruits of their industry secured to them——by being made to know, that if they will consent to labour, the reward of their toil shall not be taken from them by another." "I believe, the plan of apprenticeship will be as injurious to the planters as to the slaves." "I know, sir, that we cannot trust the colonial assemblies to legislate. Whatever might be the nominal effect of the laws they might pass, in reality, they would amount to nothing less than the maintenance of slavery, as it now exists." "There is no intermediate state between freedom and slavery." *

In another place, the same noble Lord had said,

"I did not vote for the grant of 20,000,000*l.* for this simple reason, that I wished that Parliament, before it was pledged to give the money, should have a more definite knowledge of the consideration to be received. I contend that 20,000,000*l.* is ample compensation for immediate freedom, and if part of that freedom be withheld, what is more fair than that we should withhold part of the 20,000,000*l.*?"

I think, the noble Lord is deserving of the highest praise, not for preaching upon things after they had happened, but in anticipating what has taken place. I say, that these anticipations were founded upon the truest knowledge of human nature, and upon the soundest principles of legislation, and they ought to be a warning to the House, not now to turn a deaf ear to them. Notwithstanding this admirable discourse, the plan was persevered in. There seemed to be some power overwhelming the Colonial-office, and they persevered in their plan in spite of every warning that was given to them. But though the plan was persevered in, some hopes were held, that there might be some mistake, and in brilliant language, promises were made to the nation, that slavery should be abolished. The noble Lord, the Member for North Lancashire, then secretary for the Colonies, in answer to a question put to him by the right hon. Baronet, the Member for Tamworth, expressed himself in these memorable words:—"I do not mean, that the apprentices shall not be liable to punishment. I mean, that their condition shall be precisely that of workmen in England." Now, the inquiry to which I humbly beg the attention of the House, is simply in these words, has that promise been fulfilled? Are the apprentices in the Colonies, precisely in the state of workmen in England? These were not the only memorable expressions made use of on that occasion. At that time, an hon. Member of this House (Mr. Patrick Stewart), who was considered the very mouth-piece of the Colonial interest, addressed the House, and received high praise for the talent, and the moderation with which he spoke. What did Mr. Stewart say? He said this: — "The bargain entered into was this—that within a limited period, on consideration of the co-operation of the Colonial authorities, such a sum should be paid." He said likewise, "I am perfectly satisfied, that the Colonial Legislatures will fulfil their part of the contract, and pass such measures as will facilitate the completion of the object the British Parliament has in view." He said, moreover, "I quite agree with hon. Members who say, that any opposition on the part of the Colonies, such as that contemplated, would be an infraction of the understanding which was come to." I am now approaching what I consider the far most painful part of my task, for I am going to inquire into and produce some facts, as few painful facts as possible, in order to point out whether or not there has been, in the words of Mr. Stewart, any infraction of the understanding then come to. On this point, I will just state the opinions of a very high authority. I will take one pithy passage from the message of Sir Lionel Smith to the Assembly of Jamaica, dated the 31st of October, 1837. He said there, "This island is subject to the reproach that the negroes are, in some respects, now in a worse condition than they were in slavery." I ask, is this the condition of British labourers? Is this an infraction of the understanding come to?

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* Hansard (third series) vol. xvii. p. p. 1232-1248.

I have said already that, as far as possible, I will avoid entering into minute details. I know such statements are distasteful to the House, and, therefore, I will rather narrow my grounds of inquiry by stating the infractions of the understanding rather than go into minute specifications of the amount of them. In the first place, is there not an infraction fully made out as to the regulations of the time of the apprentices? One of the means by which these unhappy people have to maintain themselves is by cultivating small plots of ground for their support; any enactment or regulation, therefore, which would effectually prevent them from having an opportunity of cultivating those small spots would be a most important infraction of the understanding. Then, as to food, I believe that throughout all the colonies, as far as the evidence on the subject goes, the effect of it is to show that the allowance of food to the apprentice is little more than half of that he received in slavery. I ask, is this carrying out the intentions of the Imperial Act, which says, that no regulation shall be made which shall, in any respect, place the apprentice in a worse condition than when he was a slave? By the returns which have been made on this subject, I find that, whereas fourteen pints of Indian corn and twenty-one of flour used to be given to the slave, it was reduced to ten pints of Indian corn and eight of flour to the apprentice. Then, as to the treatment of, and indulgence to, aged persons and pregnant women, and those with a child to nurse, the accounts on these subjects are most distressing. Old persons, who were virtually relieved from labour till the apprenticeship system commenced, are now forced into the field. There is one part of this question, which I believe has throughout this country, and most deservedly, made a deep impression against the system of slavery: I mean the continuance of the horrid practice of flogging women. I will read a passage on this subject from the all-powerful Imperial Act. That Act states "That it shall not be lawful for any governor, council, and assembly, or other Colonial Legislature, to authorise any court, judge, or justice of the peace to punish any apprenticed labourer, being a female, for any offence, by whipping or beating her person." I will, first of all, draw the attention of the House to a narrative which has been widely circulated in this country, and which was written by James Williams, a young man, who was formerly a slave, and who is now twenty-two years of age. This narrative, though from so humble an individual, has, from the circumstances connected with it, become a matter of great importance and interest. I will not read any extract from this painful narrative, but I will state generally its effect. It stated, when he was a slave he was comparatively mercifully treated; he was seldom beaten, and then very lightly; but from the moment he became an apprentice, his master declared that he would so work him and flog him till the end of his apprenticeship, in 1840, that he should be of no value to himself or to any person. He stated, that he was flogged repeatedly for no intelligible offence, and that before his wounds were healed, he was flogged again and again; he was immured in a dungeon, he was committed to the treadmill, and, what was the most important part of the narrative, in the treadmill he witnessed scenes of horror which were disgraceful to human nature. The narrative states, that the treadmill and the House of Correction are placed beyond the power of the stipendiary magistrates, and are in possession of and under the power of the slave-owners themselves. It states, that the writer there saw wretched women who were too weak and feeble to work at the treadmill, hung up to a pole above it, and in that state flogged in the most merciless manner. The writer gave, likewise, an account of a poor old woman with grey hairs, who was so mercilessly flogged that after vomitting blood she died. I will pass over this narrative. I feel that in such accounts as these, coming from this quarter, it may be naturally inferred that the whole is a fabrication, and that there is not a word of truth in it. In order to set this question at rest, the Colonial-office appointed a commission to inquire into the truth of the narrative, and what was the result? Mr. Gordon and Mr. Daughty, the two gentlemen appointed to report upon the narrative, drew up a report of which I will read a part. They give the whole of the evidence, but the report itself is very short. They state—

"In reporting upon the results of this extended inquiry, it has become the duty of the Commissioners to state, that the allegations of James Williams's narrative have received a few inconsiderable contradictions, whilst every material fact has been supported and corroborated by an almost unbroken chain of convincing testimony; that the abolition law has not been properly administered in some parts of the parish of St. Ann; that the House of Correction was, until recently, a place of licentiousness and cruelty; and that the treadmill has been, and still is, an instrument rather of torture than of just and salutary punishment."

I know that, notwithstanding the forcible arguments which I have read this evening from the speech of the noble Lord, the Member for North Lancashire, to prove what should be the condition of the blacks under the Emancipation Act, it has been stated in many of the public journals, and whispered amongst various parties, "Ay, it is true, that in Jamaica there have been abuses; in that island, the planters have behaved ill (for that is the lenient expression used); but it is a hard case that all the other colonies should be punished on account of the operation of the law there." I have had little time, as I said, for the investigation of this subject; but on cursorily looking over the information I could procure, I have found ample proof to justify me in stating, that whatever horrors have taken place in Jamaica, are to be found everywhere, for they form a necessary ingredient in slavery. I will not go into the returns which show, that in all the slave colonies, hundreds of thousands of lashes have been inflicted on those wretched apprentices for what are called apprentice offences — such as not doing their work in a proper manner, or even looking with disrespect towards their masters. These returns of hundreds of thousands of lashes, are convincing proofs that this system works very curiously indeed, if these apprentices are really to be looked upon in the situation of British labourers. But I will take only one account which I have extracted, of the manner in which the provisions of the act relating to apprentices, have been observed in other colonies.

"The Abolition Act requires that 'good and ample provision' shall be made for the apprentices by their employers. But it appears, that in Tortola, the allowance of farinaceous food is less than one half the prison allowance of Jamaica, under the slave law in corn, and one-fifth in flour. In Nevis, St. Christopher's, and Dominica, it is little more than one half in either corn or flour. In Barbadoes, it is little more than two-thirds of corn. From such cause in British Guiana, a crown colony, the apprentices are said to be in a state approaching to starvation."

But I have no doubt it will be said, that the horrible account given in the narrative of Williams, of the treadmill in Jamaica, does not apply to the other Colonies. I shall, therefore, be obliged to read to the House the testimony of Mr. Sturge, to what he saw in Bridgetown, the capital of Barbadoes.

"On the top of the treadmill were a number of negroes, to secure the arms of those who were too weak to hold on by the rails. The women were on it. The brutal driver was flogging them with as much severity as he had previously flogged the men. He cut them wherever he listed, and as often as he pleased. We were dreadfully shocked. On the mill was a mulatto woman extremely exhausted. The driver flogged her repeatedly, and she as often made the attempt to tread the mill; but nature was worn out; she was literally suspended by the bend of the elbow of one arm, a negro holding down the wrist, and her poor legs knocking against the revolving steps of the mill till the blood marked them. She hung groaning. When the negro released her arm, she fell on the floor."

I think this one case sufficient to establish my assertion. There is also an account given of the treatment of a poor black girl, about eighteen years of age, which was no less severe than that which I have read. Now, I ask you, has there been no infraction of the understanding which was come to? Are the apprentices in the state of British labourers? Has the imperial law been disregarded or not. If there were any doubt of the evidence which I have now adduced, I have yet the means of establishing it in the most triumphant manner by the words of Lord Glenelg himself. And, before I go farther, I beg to say, that I do not join in the unjust reproaches brought forward against that amiable and accomplished nobleman. I think, on the contrary, that the country is indebted to him for doing all that one in his situation could do—for having spoken out boldly and firmly, and not tried to slur over abuses. That noble Lord has spoken in a way which must afford some excuse for the conduct of individuals, like myself, who have brought this subject under public notice. Lord Glenelg said, "The complaints respecting the state of other Colonies, are not so numerous or considerable as those respecting Jamaica. I must allow, with respect to the latter colony, that many evils exist, which might be made the grounds for claiming the abolition of the apprenticeship system."

Mr. *Gladstone:* From what is the hon. Baronet quoting?

Sir G. *Strickland:* I have no doubt, the words I am quoting, are to be found in "Hansard's Parliamentary Debates;" but I take them from *The Morning Chronicle* of the 21st of February, 1838, and I have no doubt they are correctly given. The hon. Baronet was proceeding to read some other extracts from Lord Glenelg's speech, when he was interrupted by

The *Speaker* who said, that the hon. Baronet was out of order in making quotations from the source which he had mentioned.

Sir *G. Strickland*: Well, I merely wished to refer to those statements for the purpose of showing, that after repeated and earnest solicitations, the Local Assemblies could not be induced to make those regulations which were just. The noble Lord also admitted, that scenes still occurred, which were horrible and revolting, and entirely confirmed the narrative of James Williams. He moreover confessed, that in spite of the law, females were flogged in a manner which reflected disgrace on the Legislature. But I understand, that the Bill brought forward by the noble Lord, is to be moved this evening as an amendment to my Motion. I feel bound, therefore, to allude by anticipation to that measure. In the first place, I take it to be a full admission of the grievances of the slaves. What else does it mean? I will not quote authorities to sustain what I say, because such a course seems to be displeasing; but, if I were to do so, I could prove, that this Bill has been introduced to protect the apprentices from the effects of a conspiracy carried on against them. It is to afford protection to Magistrates, or rather to make another enactment, to prevent the flogging of females. Why, Sir, if it were possible to pass fifty laws, one after another, is it likely, that words could be found, prohibiting more strenuously and clearly, the evils which are now intended to be put down, than those contained in the Imperial Act. This is legislating, as it were, on legislation in a manner which, I was going to say, might be called impotent; but which, I am quite certain, can produce no possible good. But there is another point of view, in which this Bill is to be considered. It is to enable the Governor, in case the apprentices are used cruelly, to give them immediate freedom. Why, then, when I hear of my motion being an infraction of the contract, am I not entitled to say, that these enlarged powers to be given under the Bill to the magistrates are equally deserving of being characterised as an infraction of that contract, which I deny was ever entered into, at least in the sense in which it is now interpreted? I remember the debates which then took place, in which the Secretary for the Colonies explained the object of the measure with the greatest eloquence and perspicuity, and maintained, that the apprenticeship system was agreed to, not for the benefit of the planter, but that of the slaves. After the recital which I have given, I ask, how far that character has been sustained? In addition to the opinions of other statesmen whom I have quoted, there is that of Mr. Burke to show, that there is no intermediate place, no transitory state, between slavery and freedom. The more you legislate on this subject the more mischief you will do unless you confer on the negroes immediate freedom. It is far better to lay aside legislation altogether than to resort to this kind of interference, which only tends to irritate the planters to the exercise of their overwhelming power over the slaves. I will now endeavour to show, that from giving the apprentices unconditional freedom on the 1st of August in the present year, no danger is to be apprehended. But, in the first place I shall make a few remarks on that strange species of legislation which consists in saying, that the non-predial slaves shall be released in this year, but that the predial slaves shall be retained in servitude for two years longer. Was there ever a piece of legislation which gave greater promise of dissatisfaction, irritation, and discontent? Is it in human nature that one portion of these negroes should look on contentedly while their brethren were released from darkness and bondage to the light of day and freedom, though they continued two years longer in a state of slavery? But I revert to what I alluded to in the previous part of my observations. I wish to point your attention to the great experiment which was made in Antigua and Bermuda. There we see 45,000 negroes at once set free without any intermediate state of apprenticeship, working industriously, increasing prosperity, raising the value of land, and working for wages in a manner equally industrious as the labourer of any other country. But there is this strong feature in the case of Antigua, that whereas, for thirty years before the proprietors of Slaves, to their eternal honour, gave immediate freedom, martial law had every year before the Christmas festival to be proclaimed, upon the emancipation taking place the whole colony was peace, order, and subordination. If anything were wanted to show, that this people are fit for the adoption of freedom, I would refer to the evidence of Admiral Fleming, who thoroughly understood this subject, and who always maintained, that there was no danger in immediate emancipation. I would next refer to the beautiful account given by the Marquess of Sligo of the manner in which the negroes celebrated the 1st of August, 1834, which they considered as leading to their happiness, freedom, and all the blessings of liberty. It is an extract from the Marquess of Sligo's Report, and is as follows:—

"The 1st of August was devoted in many parts of the island to devotional exercises. In the sectarian chapels the service was performed several times in the course of the day; in fact, as often as a fresh succession of auditors presented themselves. It has been generally remarked, that hardly a drunken man was to be seen in the streets on that day; the Saturday was divided between business and pleasure; they were fully aware, that the next Sunday's market would be abolished. At night in some of the towns there were fancy balls, in which the authorities of the island, past and present, were represented. On Sunday the places of worship were again unusually crowded, and the day passed over in the most orderly and quiet manner. My reports from all parts of the island, except St. Ann's alone, state, that on Monday the apprentices turned out to their work with even more than usual readiness, in some places with alacrity, and all with good humour."

But it has been said, that these wretched blacks can never be roused from a state of indolence. Hear what the Archdeacon of Barbadoes says on this point:—

"Strange that it should be said, that the free blacks are predisposed to idleness, when they have driven the free whites from some occupations in our own island of Barbadoes; for instance, as carpenters and masons. The lower class of the white population are in the greatest destitution and distress. The number of white persons receiving relief is far greater than the number of persons of colour in the same situation. Indeed, the poor blacks contribute towards the relief of the poor whites, while the poor blacks maintain entirely those of their own colour who are poor."

Now, looking at the present aspect of affairs, I beg to ask the most strenuous supporter of apprenticeship, or slavery, or whatever it may be called, whether there is not now some danger in attempting to continue this irritating distinction between non-prædial and prædial slaves? Let me, however, for one moment, ask what the French are now doing? They likewise have colonies in the West Indies. Shall England, after all her boasted generosity in giving twenty millions for establishing perfect freedom, allow France to take precedence in the work of emancipation? What I am now going to quote is a petition which has been presented from the proprietors of slaves in Martinique to the French Government at home:—

"We learn with the profoundest interest, that the Government is determined to put an end to slavery, because it is contrary to the fundamental principles of all society, and useful neither to the master nor to the slave. When there shall be no more slaves it will no longer be necessary to transport a great military force at an enormous expense. The emancipated slaves, having become soldiers and citizens, will be interested in maintaining the public order, and in defending the soil which gave them birth."

These are the sentiments held by the planters of Martinique. They ask for the freedom of the slaves, because they think it will be for their own advantage, and that it will conduce to the peace of society and the prosperity of the country in which they live. I know I have trespassed long on the time of the House. I regret having done so, for I feel that I have very imperfectly performed the task imposed on me. When I say it was my wish that it should have fallen into abler hands, perhaps some explanation may be required why I have undertaken it. I could not help reflecting that I am sent to this House by that vast county, by that great constituency, which, for forty years, has been first and foremost in demanding freedom for the slave. I cannot help reflecting that I fill the same situation, that I follow, at however immeasurable a distance, the footsteps of that good, that eloquent, that enlightened, that humane and religious man, Mr. Wilberforce. And after age and infirmity obliged him to retire from that laborious situation the county of York called to its representation that individual, who, by his varied and splendid talents, by his great services in this cause, has distinguished himself above all other men, Mr. Wilberforce, perhaps, alone excepted. Again, when he was raised to a high situation in the service of his country the humble individual who now addresses you was invited to fill that post, for no reason that I know of excepting that I have, on some occasions, expressed my unalterable hatred to slavery and oppression, wherever they are to be found. I now conclude by expressing a hope that as long as life and energy may be spared to me I shall be found to devote them to the abolition of the horrors of slavery, under whatever name it may be disguised or by whatever nation it may be upheld. I move "That this House is of opinion that the apprenticeship established in the British colonies by the 3rd and 4th William 4th shall determine on the 1st of August, 1838."

Mr. *Pease,* in seconding the motion, assured the House that it was with the greatest diffidence he rose on this occasion, being fully aware of the vast importance of the subject, and of the great, he might say awful, responsibility which attached to those who were about to make the great change which it was the object of this motion to accomplish. Not only did he now feel the onerous duty imposed on him, but he had a full sense of the difficulty when he was first applied to for tests of his conduct. At a meeting of his constituents in the course of the past year, when their feelings and views were expressed in language not to be misunderstood, he stated unequivocally and honestly that he had the most serious doubts as to the policy pointed out; and also how far he could, in his situation as representative, stand up and propose a modification or abolition of an Act passed only a few years before. He trusted to the indulgence of the House whilst he endeavoured to state feebly, but as well as he could, the grounds on which he came to the conclusion that he could act that part from an honest wish to vindicate the national character, and from a Christian desire that the country to which he belonged should be no longer stigmatised with a system which reflected dishonour on the empire. Now he must, in the first place, disclaim the slightest degree of hostility to those who conducted the affairs of this vast empire, as well as any participation in the language which was held elsewhere, partly in his presence, but more particularly in his absence. He felt bound, too, to express his regret that the noble Lord, the Member for North Lancashire was not present, as he should have to make some reflections on his conduct, to which, though not impugning either his head or heart, he should wish to give him an opportunity of replying. After having waded through this large volume of evidence with all the industry which he could, he confessed he found himself in great difficulty, from the want of those particulars being given which would enable him to come to a conclusive judgment. The Act of abolition having proposed to give such extensive powers as would satisfy the people of England that all the views which they entertained with so much fervency and honesty would be fully met, the course taken by the Government was such as left no doubt that the final consummation of their efforts would be such as every Member of the House wished it to be. But, to his surprise, he found by an Order in Council, providing for sundry and galling deficiencies of the Legislature of Jamaica, the three great elements which bore so large a proportion in the comfort and happiness of the negro, namely, clothing, food, and medicine, were left untouched. This was pointed out by Mr. Secretary Stanley in his first dispatch. The same objection was made with respect to Guiana, where it was obvious that the regulations were not such as justified the grant. In this colony the slaves had a right to a certain allowance of food, in accordance with an Order in Council passed when Mr. Canning was Prime Minister, with respect to all Crown colonies. The understanding was, that that Order in Council should be carried into effect. Sir Benjamin D'Urban stated, that he had an intimation that it was the intention of the inhabitants of this colony to cast off their allegiance; and the consequence was, that a discretion was allowed him of making such modifications as to the time of receiving and species of their food as he might think fit. The modifications thus intrusted to his discretion took place; and from that period he dated some of the greatest calamities which afflicted the colony. The weekly amount of food had been twenty-one pints each of wheaten meal, or meal from the Indian corn, and also a certain allowance of fish. In lieu of the farinaceous food it was determined that they should get seventy-five plantains, of which one-third was edible food. In consequence of this change the twenty-one pints of meal were reduced to ten, and the fish also diminished one-half. In 1834 it was true that Sir James Carmichael Smith did issue a proclamation, directing that the apprentices should receive twenty-one pints of Indian corn a week; but two days after its publication, having been waited upon by a number of planters of Guiana, who represented that there was not then in the colony a sufficient supply of corn to warrant the issue of this increased allowance, he consented to suspend it for a period of six months. At the end of six months, however, the proclamation was again suspended, although in one passage of the proclamation Sir J. C. Smith says, that the weekly allowance should be sixteen pints of corn, which would make twenty-one pints of farinaceous food, and he could not think how it could be supposed that less was sufficient to support an individual for a week. If, then, the twenty-one pints were only sufficient, what must be the situation of those slaves who were compelled to labour severely on an allowance of ten pints only? The first suspension was to allow time for the importation of grain; the second was to take the opinion of the Government at home—an opinion which had never since been given nor was there any official answer received to the communication. This important part of the case resolved itself into the question—was or was not the larger quantity the legal allowance of the colony? If it was, why reduce it by more than one-half? With regard to the plantations of plantains, there was now no inducement to the planter to cultivate them compared to that which he had before the Slavery Abolition Act. At that period the slaves were the property of their masters. and for his own interest sake he fed them well and prolonged their life as much as he could. Now the planter had no object in the prolongation of their existence, and no interest in their labours beyond the time fixed for their complete emancipation. It was well known that the mortality in Guiana on its first settlement was very great; but still the soil was so rich, it yielded such abundant returns, that many planters gave it the preference over the islands, and worked it to the utmost. The mortality at the present hour was as great as it had been at the beginning of that colony; a fact which he believed might be safely attributed to the inferior quantity of nourishment, and the increased labour imposed on the negroes. He had it from the best authority, that the mortality there now was in an equal ratio, compared to the population, to what it had been at the worst period of the colony. He would next enter on the subject of punishments, passing by the subject of compensation, because of the difficulty which he had in ascertaining the exact amount of compensation allowed, inasmuch as fathers were found claiming for their own illegitimate offspring, one having put in a demand for twenty-one of his own children of that description. Such claims were disputed, and the cases not being yet decided, it was not easy to ascertain how the compensation fund would be divided. But, with regard to the subject of punishment, he held in his hand certain returns, furnished him by the best authority, which would throw some light upon the subject. From the 1st of August, 1834, to the 1st of July, 1835, was, what was termed by the Governor of Guiana, the most troubled period. It was the period succeeding the passing of the Slavery Abolition Act. Well, in that most troubled period, comprehending a space of time of nearly a twelvemonth, there were 8,152 negroes punished in all in this colony. Of these 2,177 were flogged, and the remaining 5,975 were imprisoned, or mulcted of their time for free labour, or punished in some other manner, milder than flogging. In the November of the same year the Governor wrote home to the Colonial Office that the colony was then in a state of quietude and order, and that it was progressing to prosperity every day. And yet what was the fact? Why, that there was an increase of 1,742 cases of punishment on the preceding period, being an augmentation of about one-fourth in a time of peace, order, and prosperity. In the next month to that, December, 1835, another despatch of the Governor's reiterated the same statement as the former, respecting the quiet, order, and prosperity of the country; and yet, again, there was an increase of 797 cases of punishment over and above the same period and the same time the year preceding the year of disquiet and the most troubled period. On the 19th of March, 1836, Sir James Carmichael Smith addressed the House of Assembly on the subject of the existing local laws, and deprecated any alteration in a system which he said had worked so well. And yet in the February and March of that year there were 2,493 cases of punishment, making an increase of one-eighth over the worst period described in the despatches. If, then, 2,172 cases of flogging occurred in a peaceable year over a troubled period which preceded it, could any one have the hardihood to assert that the condition of the West-Indian apprentice bore any analogy to that of the English peasant; or how could the fact be reconciled with the statement of some parties, that the apprentices were in the condition of the happiest, most contented, and most comfortable peasants in existence? He had abundant proofs of the contrary from parties resident in Guiana, whose names he was at liberty to give privately, but not publicly, to any hon. Member who desired to know his authority. On the authority of one of these parties, he was enabled then to state, from returns furnished by them, the punishments, their nature, quality, degree, and duration, inflicted during a period of eight months on the negroes of seventeen estates in the judicial district, letter D. The whole negro population of these estates, which comprehended the district named, amounted to 2,300; and of this number punishment was inflicted on 736. The punishments were, on parties above nine years of age, 7,154 lashes of the cat had been inflicted, from June, 1834, to the following spring; that is, during the great period of disquietude. The remaining punishments were—hard labour after their full day's work, fifty-eight weeks; hard labour on the estates, 525 weeks; the treadmill, with the usual labour by day, 464 weeks; confinement by night, with the usual labour by day, 355 weeks; solitary confinement, with the same, 134 weeks; and all this mass of punishment inflicted on 736 negroes in the space of only eight months. He felt disposed to make one or two comparisons connected with the prosperous state of things. Not being a planter—he thanked God!—he could not enter into the spirit of a comparison on the state of the present and the past produce of the colony of Guiana; but he thought it required little penetration to perceive that the increase of produce appeared to be in a direct proportion to the decrease of the negro population—a circumstance which, to say the least of it, seemed very suspicious. But what further was the cause of this decrease of the negro population? Perhaps a few facts which he should communicate to the House might throw some light on the question. In the first place, before the Slavery Abolition Act, all women who had borne six children were considered from thenceforward exempt from field labour or hard work of any kind; and, in the second, it was customary to relieve women who were pregnant from toilsome duties a certain period before the probable time of their delivery, as well as for at least three months after their confinement, for the purpose of giving them an opportunity of taking care of their newly-born offspring. But since the passing of the Act all those indulgences had been withdrawn, and no favour was now shown to any. It was also the practice to exempt, as well as the aged and the infirm, all under fourteen years of age, and under no circumstances did the law permit the latter to be worked more than thirty-six hours; but now they were worked at all ages, and forty-five hours was substituted by the Act instead of thirty-six. But, perhaps, the greatest evil of all in Guiana was the want of any law to regulate the hours and prescribe the nature of the labour to be done by the negroes. In Demerara, for instance, the negroes had to walk from four to nine miles to their work, and the planters insisted, notwithstanding the interference of the Colonial-office, that they should work the full nine hours a-day prescribed by the Act, in the fields, making no allowance whatever for the time spent in proceeding to labour. Thus the poor negro had often to be on his legs at work—for walking in such a climate was hard labour—for full twelve hours together. Many females in that state which of all others that their sex can be in, most calls for the commiseration of man, were placed in this position, and not alone that, but were worked to the very last moment. A case had been detailed to him of a female apprentice named Susan, the wife of the head man on an estate in the colony of Demerara. This woman was approaching her period of confinement, and in vain applied for permission to absent herself from work. The result was, she was actually taken with the pains of labour in the field; and, on being sent to the sick-house, gave birth to a child, only attended by an old deaf woman, and a young girl who was confined there with sores in her legs, and without having any of the requisites for a person in her situation. The day but one after, she was obliged to return to her work. Under the old slavery system there was no instance to be adduced of similar cruelty. He would next advert to the state of the hospitals or sick-houses, as they were termed, on the respective plantations. On the authority of a medical gentleman, he assured the House that the sick-houses of Demerara were properly prisons. Feigned sickness was common enough, and the tests employed were tartar emetic, assafœtida, and lamp oil; and the only apology for this was, that the sick houses ought not to be made too comfortable. In these sick houses, there were from fourteen to sixteen men negroes locked up, day and night, under every circumstance that could be conceived offensive and disgusting, shamefully curtailed in their food, and in every way neglected. On the subject of clothing he had not much to remark, but on that of medical attendance he should say something. In that respect, he believed that the negroes were by no means so well off, or in the same situation as the people of England desired and expected on the passing of the Slavery Abolition Act. He had a memorandum of the case of certain female negroes who for not having performed their field task to the satisfaction of the overseer were driven hand-cuffed to gaol, were then sent on the treadmill, although they had all children at their breasts, and were brought hand-cuffed from thence next morning to the field to resume their daily labour. It was on these grounds, that he had come to the conclusion that in Guiana, in place of being the happy, contented, prosperous peasantry they had been described in the governor's dispatches, the negroes were the most oppressed, discontented, and impoverished beings in the world. Again, as to Sunday markets, he had the authority of Lord Glenelg that Sunday markets should not be allowed, inasmuch as they were inconsistent with the act of the Legislature; but the same noble Lord was found admitting their necessity not long after, in consequence of a representation of Sir L. C. Smith. It was not the wish of the English people that the Sabbath should be violated, and in that spirit the act of 1834 was conceived and carried through Parliament. Yet here was Lord Glenelg in 1838, admitting the propriety of their continuance. It could never have been anticipated that such consequences would ensue. The system of Sunday markets was of the most disgraceful character, for it not alone desecrated the Sabbath, but, in place of making the apprentice free, it made him more a slave than ever. Then there were other circumstances to prove that the negroes were more enslaved than they were before; one of the chief of which was the practice of giving passes. The hon. Member here read some of the passes given to the apprentices to go and see their friends. One was to an apprentice named Halls to go to the funeral of his child, who had died the previous night. A pass to see his own child buried! Another was to Stambouls and Rex to marry each other. He had also a letter stating that one proprietor would not allow his consent to a marriage, unless the husband and wife would consent not to leave the estate to which each belonged to visit each other without the consent of the parties concerned. He had now done with Guiana; and he should not touch on Jamaica, because he hoped it would be taken up by one better qualified for the task than he was. There were, however, two facts which he had forgotten to mention. They were, that every female slave in Guiana above the age of fourteen unfailingly beame the victim of the seducer, and that marriage had become a thing of such rare occurrence among the negro population that it was scarcely ever heard of. He supported the motion on a variety of grounds: he supported it, because the people of England had been defrauded by the planters—he supported it because the benevolent intention of the Government had been uniformly set at nought by the same body; he supported it because the system adopted in the West Indies was a shameful evasion and shuffling with the authorities—a shameful cheat of official characters. The people of England would never have conceded twenty millions to the planter, if they could have foreseen their atrocious conduct. In a statement transmitted to him from Demerara, he found that the most destructive mortality prevailed among free-born children in consequence of their mothers being compelled to abandon them to work for their inhuman task-masters. On one estate, which contained 1,500 negroes, an equal number of both sexes, the whole of the free children in existence amounted to only 300; the usual tables of increase in the population giving a number fully equal to 1,500 among the whites or other free people. There was, in a short time, a frightful gap in the population of that colony since the passing of the Act arising from the deaths of free-born children through the compulsory neglect of their mothers, and from the miscarriage of females through over-work, ill-usage, improper nourishment, scanty food, and other causes. But, besides these evils, there were many others equally destructive to society. The planters set the law at defiance, and in the island of Granada, the Lord Chief Justice had been obliged to commit his own secretary to gaol for refusing to execute a decree founded on a decision of his respecting the classification of predial and non-predial apprentices, which had given them great dissatisfaction.

That was one of the modes by which the people of England had been deceived and their hopes blasted in regard to the emancipation of the negroes from slavery. He had never been a party to any compact with the planters; he had always agreed with the opinions expressed by the Secretary at War on that occasion. He agreed with them still, and he hoped the noble Lord still retained them. On the subject of religious care, he (Mr. Pease) felt it difficult to make any remark, considering the condition of the negroes. When their bodies were uncared for by their masters it could not be expected that they would fare any better at their hands in the matter of spiritual salvation. Nothing whatever was done in the way of educating the free-born children—they were let to live or die, if they chose; and yet 20,000,000*l.* had been appropriated to that purpose by the Imperial Legislature, Throughout the whole of the correspondence between the Government and the Marquess of Sligo, and Sir Lionel Smith, there were irrefragable proofs, that the Colonists had not kept faith with the people of this country. Was the raising of the sum of 20,000,000*l.* for the purpose of compensating the slave owners, nothing? A grant, which was acquiesced in with a degree of cheerfulness, by the people of this country which did them the highest honour. He could assure the House, from all that he had heard, that an end might be put to the apprenticeship system at once without the slightest inconvenience. This was proved by what had taken place on an estate in Jamaica, where the negroes had been liberated at a moment's notice, and that without the slightest inconvenience. Liberation had taken place, where there was not more than a handful of whites, as compared with the negro population, without the interference of justices, constables, or police. He had that day had his attention drawn to a book which had been recently published, in which it was stated, that in Trinidad and Guiana, it had been found necessary, as regarded these lazy, idle negroes, as they had been called, and as being unfit for freedom—it had been absolutely necessary to pass a law to prevent them from hiring themselves out for labour on the Sabbath day. He would ask, whether sophistry could go further than to make statements, that the negroes would not work, when here was a proof that it actually required a law, in order to compel them to keep within those bounds, which the demands of religion required to be observed? Whether he looked to the present or the eternal welfare of the employers of slaves, or to the present or everlasting good of these victims of oppression, his opinion was, that there was nothing to fear, but everything to hope, from the immediate abolition of the apprenticeship system. He had received several letters, in reference to the subject, with four of which only he would trouble the House. The first was from a gentleman, who was a member of the Colonial Assembly of Jamaica, who stated, that a shameful resolution had been carried by a majority of the House of Assembly, declaring, that they would entertain no question that had for its object, the immediate abolition of the system of apprenticeship. The second letter was from a gentleman, who was anxious to liberate his slaves, he having 300 in one parish, 200 in another, and 130 in a third; but he said, if he did so, Jamaica would be too hot for him and his family, and that his agricultural negroes cost him the same expense as would be the case if he cultivated his estate by free labour. The third letter was from a planter in Jamaica, addressed to a missionary, who stated, that the prevailing opinion was, that the negroes had adopted death or liberty as their motto, and which, there was too much reason to apprehend, would be acted on, if the present galling system was persevered in beyond the year 1838. The last letter with which he would trouble the House, was dated in the latter part of last year, and was from a baptist missionary. The writer stated, that the apprenticeship system was a great deal worse than he could have conceived it to be—that the greatest agitation prevailed—and that it was easier to call such statements lies, than to prove them to be so. The writer admitted, that without the aid of the press and the Government, it would be in vain for him to hope to remain there, for the coming struggle would be one of life and death. The hon. Member also read the petition, which he had presented to the House a few weeks ago, signed by the baptist missionaries in all the larger districts of the island of Jamaica; and which, if there had been time, would have been signed by all the Baptist missionaries in the island. He begged to call the attention of the House to the character of these individuals, who had left every worldly advantage to perform what they felt to be a sacred duty, who preached to hundreds and thousands of the negroes, who were intimately acquainted with the character, habits, and feelings of the negroes, and who, in their petition, represented the great advantages which would result from terminating the apprenticeship system in August next. He was prepared for the attack which would be made on the supporters of the Motion, by accusations of breach of faith and broken compact. He denied, that there was any compact in the case, and he felt, that there was in the Bill, such a departure from the protection given to the negro, even by the old slavery laws, that he felt fully justified in supporting the alteration proposed as a matter of equity. The Legislative Assembly was almost defunct at the present moment, and the Governor in Council was nearly supreme. The penalty of *5l.* for neglect of clothing a negro on a plantation was done away with. The neglect of providing him with stipulated quantities of food, and of ground for cultivation, which was punishable by penalties of *20l.*, was now reduced to *40s.* Treating a slave with cruelty, was formerly punished by *100l.* fine, or a year's imprisonment; now only by *5l.* fine, or five months' imprisonment: and instead of being paid to the poor negro sufferers, all these now go to the Exchequer. Though he had pressed this Motion on the ground of pecuniary policy, of advantage to the planter, of safety to the Colonies, of honour to the mother country, and of consistency and equity in legislation at home, he would venture to take higher ground, and appeal to their sympathies on behalf of their poor brethren of colour, whose sufferings under the present system were of a nature to stimulate every feeling bosom to concede to them a paramount consideration. He felt the inadequacy of his powers in pleading such a cause. [Here the hon. Gentleman was so affected, that he was obliged to pause for a moment. Much cheering.] "The House will pardon me," concluded Mr. Pease, "for having so long trespassed upon their attention. I am unable to go on. But when that great and solemn day shall come—when I shall myself stand in need of mercy—I hope it will be meted to me in the same measure as I am disposed to mete it to others."

Sir *George Grey:* Sir, I feel that if any Member of this House is entitled to ask for its indulgence on rising to address it, the present occasion justifies me in preferring this request. The importance of the question which has been submitted for the consideration of the House, the excitement to which it has given rise out of doors, and the effect produced by the deep, honest, and sincere feeling which characterised every word which fell from my hon. Friend who has just sat down, and by which, I have no doubt, the hon. Baronet who moved the resolution was also actuated; all combine to increase the reluctance with which I rise to propose an amendment to the resolution which has been read from the chair. I am, however, persuaded that the amendment, with the proposal of which I shall conclude, is calculated far more effectually than the original resolution to remove the evils which have been adverted to, and to benefit that class of persons, an interest in whose welfare has prompted the present motion.

I have to thank the hon. Baronet for bringing this subject under the consideration of the House. I regret that, notwithstanding the numerous meetings which have been held during the last few months, both in this metropolis and in various parts of the country, with reference to this question, notwithstanding the addresses made at those meetings, and the resolutions which have been passed at them, no opportunity has hitherto been afforded for a full and impartial statement of its real merits; and I rejoice that now, though for the first time, it is about to obtain a fair, patient, and dispassionate hearing. I pledge myself, before I sit down, to show that the facts of the case do not bear out the statements which have been made, and the resolutions which have been adopted at the meetings to which I have alluded; and I hope to induce the House to pause, at least, before they agree to the resolution of the hon. Baronet.

Before, however, I proceed to notice the arguments which have been adduced in favour of the motion, I must express the satisfaction with which I can congratulate the House that we are not now met, as many of us have before met, and as many who were Members of this House in former years have, on various occasions, to decide whether slavery shall be abolished or not. The fiat of the British Parliament has irrevocably gone forth that slavery shall be abolished throughout our colonies. We are not now about to discuss any proposition such as that made by the most ardent abolitionists even within the present century, the object of which was to secure the blessing of freedom to future generations, and to children yet unborn. The question before the House relates to a short transitory period of little more than two years, and those not of slavery as it formerly existed, but of an intermediate system of modified coercion.

The object of the Government has been fully to carry out the principle of the act of 1833: we are now called on to depart from one of the leading principles of that act. I contend that Parliament ought not to entertain this proposition; and the ground on which I maintain this opinion is, that a compact was made by the act of 1833 between Parliament and the West-India proprietors, with which we are not now justified in interfering. A solemn engagement was entered into by the British Legislature after full deliberation, after a long and patient discussion of the principles on which the emancipation was to be carried into effect, and with a clear knowledge on the part of Parliament of what it was doing. When this question was first agitated, I hoped that we should have been spared the necessity of arguing the existence of this compact, but I understood my hon. Friend, the Member for Durham, to deny, that any compact was entered into; and I have been surprised to learn, that it has been denied by a noble Lord, who was a Member of the Government by which the act of 1833 was framed and introduced. In my opinion it is incontrovertible that, by that act, a compact was concluded, binding on the Government and Parliament of this country on the one hand, and on the West-India proprietors on the other.

In support of this opinion, I may refer to the proceedings which took place, and the declarations which were made in both Houses of Parliament, by Members of the then Government, during the progress of that act through Parliament. On the 24th July, 1833, Mr. Fowel Buxton (whose absence from this House I may take this occasion of stating, I deeply regret) moved that it be an instruction to the Committee on the Slavery Abolition Bill,

> "That they shall not, for the sake of the pecuniary interests of the masters, impose any restraint or obligation on the negro which shall not be necessary for his own welfare and for the general peace and order of society, and that they shall limit the duration of any temporary restrictions which may be imposed on the freedom of the Negroes to the shortest period which may be necessary to establish, on just principles, the system of free labour for adequate wages."

The noble Lord, the Member for Lancashire, then at the head of the Colonial Department, opposed that motion. In answer to Mr. Buxton, he used the following words:—

> "I distinctly stated, when I introduced the measure (and I do not shrink from avowing it now), that I consider the period of apprenticeship to be part of the compensation to be paid to the proprietor. At the same time, I am ready to state distinctly (and do not let me be misunderstood upon the point) I am ready to admit, to the fullest extent, that, when hon. Gentlemen in this House assented to the principle of apprenticeship, they did not thereby bind themselves to the term or period for which that apprenticeship should endure."

At that time no term had been fixed, and it was perfectly competent to the House to abridge the term proposed by the Government; but I shall show that a term was afterwards deliberately fixed, after full discussion. The noble Lord proceeded:—

> "The ground upon which the Government felt it necessary to proceed, with respect to the compensation, was a ground composed of two separate calculations; the one being a calculation of the amount proper to be paid down now, for the immediate remission of one-fourth of the labour of the negro, the other, a calculation of the sum which ought to be paid for the total remission of the whole of the labour of the negro at the end of twelve years. The sum thus to be paid, as compensation to the colonists, has been taken, first, with reference to the estimated value of the slave at the present time; and secondly, with reference to the interest which the amount of that value, in money, might bear for twelve years."

And Again:—

> "After the manner in which the hon. Gentleman has mixed up the two questions of compensation and apprenticeship, I am bound to show how, in the calculation upon which we have proceeded, the period of apprenticeship is to form part of the compensation to the master."

The noble Lord afterwards (having stated the grounds on which his calculation had been based) added,—

> "These are the strict grounds upon which the calculation has been made of the sum which ought to be paid to the master, now, for his certain present and his certain prospective loss; and the hon. Gentleman will not fail to see how very materially the amount of the period of the apprenticeship enters into all the calculations with regard to the value of what we are taking from the master."

Nothing could be more explicit and unambiguous than these declarations of the noble Lord, as the official organ of the Government of which Lord Brougham was a member. The House decided though by a small majority, against Mr. Buxton's proposition. That Motion directly raised the question as to whether the apprenticeship should form part of the compensation, or not; and the House decided that it should. If it could add any weight to the opinion which I now entertain as to the effect of these proceedings, I might observe that I voted, on that occasion, with Mr. Buxton, being of opinion that the term of apprenticeship ought to be fixed solely with regard to the interests of the negroes: the House, however, decided otherwise, although the period for which the apprenticeship was to continue was then still left open to discussion.

On the following day the noble Lord came down to the House, and stated that in consequence of the small majority of the preceding night the Government were prepared not indeed to accede to the principle of Mr. Buxton's motion, but to shorten the term of apprenticeship in the case of the non-prædial apprentices to four years, and of the prædial to six. Mr. Buxton subsequently moved to substitute the year 1836 for 1840 as the limit of the apprenticeship, upon which the Chancellor of the Exchequer (the present Lord Spencer) said, that the amendment if carried, would be totally destructive of one of the main principles on which the Bill was framed. The amendment was rejected by the House. On a subsequent motion in Committee for reducing the term, the noble Lord the Member for Lancashire again said:—

> "The House having decided that the apprenticeship shall terminate in seven years (or rather six years from the time of its commencement), we cannot now leave it to the option of one of the parties to the contract, without giving the other any consideration, to put an end to the apprenticeship at an earlier period."

I confess, that, after a review of these proceedings, I am at a loss to understand how it is possible for any one, much less for any one who was a Member of the Government at that period, to contend, that no compact exists, and that it is competent for us, after giving to the proprietors a direct pecuniary interest in the apprenticeship as part of the compensation, to shorten the period of that apprenticeship as if no such obligation had been created. Parliament decided that the term of apprenticeship should be six years. The Government and Parliament became distinctly pledged to that arrangement. There was an explicit acknowledgement that this term of apprenticeship was to form part of the compensation. Bearing that in mind, and remembering the complaints which were made at the time by the representatives of the West-India interest in this House of an alleged breach of faith against the noble Lord for not adhering to the original proposal of twelve years, I do not see any pretence, on the ground that slavery was in itself criminal, and that the slave trade was abhorrent to all the best feelings of humanity, for taking away without compensation a pecuniary interest which had been conferred and guaranteed by a solemn Act of the Legislature. We must also recollect that extensive transactions have taken place on the footing of the compact to which I have referred—that the services of the apprentices were made transferrable by our own Act, and that relying on the assurance and guarantee of Parliament, the right to those services have in many instances been bought and sold; and that persons who may never have been slaveholders have purchased the unexpired term of apprenticeship, in full confidence that, so far as the British Parliament was concerned, the apprenticeship would not be terminated at an earlier period than that which Parliament had fixed for its expiration.

But it is alleged, that the compensation was exorbitant, and that the West-India proprietors have made a profitable bargain. This would not, in my opinion, release us from the obligation which we had contracted. But on this point I cannot concur with those who depreciate that great act of national justice and generosity by which 20,000,000*l.* were given to effect the abolition of slavery. I cannot join in characterizing that grant as an act of wanton and extravagant expenditure, by which a fraud was practised on the nation. It is a narrow and unstatesmanlike view of this question to contend that the West-India proprietors ought to have been left by the proposed arrangements precisely in the same pecuniary condition in which they had been found immediately before the abolition of slavery; that they were to remain subject to the same state of embarrassment and difficulty in which, for the most part, they had become involved during the few last years of slavery. When I see the compensation money finding its way to the colonies, and when I see it applied to the discharge of estastes from their incumbrances, to the cultivation of those estates, to the substitution of mechanical for manual labour, to the introduction of those improvements in agriculture which are calculated so much to relieve the labourer from the severity and pressure of the toil formerly imposed on him, I cannot regret or grudge the pecuniary benefit received by individual proprietors. It is a remarkable fact, that since 1834, there has been a considerable increase in the amount of exports from this country to the West-Indian colonies, while there has been a decrease in the amount of imports from those colonies; and it is impossible not to feel, from this and other facts, that the apprenticed labourers themselves must have derived great benefits from the payment of the compensation money. It is the needy and distressed proprietor who has the most direct interest in extracting from his labourers the greatest amount of work for the least possible return; while on the estates of those proprietors who are free from such pressure the labourers are sure to enjoy the greatest advantages. I believe it to be, in some measure at least, owing to this cause, that in the great majority of cases, in Jamaica for instance, the concurrent testimony of Official Despatches laid before Parliament, and of other authentic information, proves that the negro population have risen during the last four years in their moral and social condition in a degree which I confess I did not myself anticipate during so short a period.

This brings me to the question which it is essential minutely to consider before we adopt the resolution of the hon. Baronet, whether, assuming the existence of a compact, that compact has, as it is alleged, been broken by one of the contracting parties.

It has been confidently asserted, that one of the parties having violated the stipulations of the contract, Parliament is at liberty at once to cancel it. I object to the mode in which this is attempted to be proved. We are bound to look to what were our reasonable expectations when the Act of 1833 passed. The parties who assert a general breach of contract on the part of the West-India proprietors altogether omit to take into account the state of society produced by slavery, and the feelings engendered by it, which could not be eradicated in a day.

The comparison between the evils of slavery and those imputed to the apprenticeship is altogether lost sight of. Individual instances of cruelty and ill-treatment, which have been openly and without reserve communicated by the Government to Parliament, with the earnest desire that the most ample means might be afforded of examining into the working of the system, and into the conduct of all parties with regard to it; these instances I say, of oppression and of wrong, are publicly stated and relied on as conclusive evidence of the failure of the existing system. I do not object to these facts being stated, but I do object to their being stated exclusively—to their being taken alone—detached from the context in which they are formed, and separated from all those favourable circumstances which are carefully suppressed, but which, if fairly stated, would give a very different impression of the general result of the evidence.

I object to the withholding of the great mass of evidence, which shows the immense advantages which have been derived by the negroes from the change from slavery to apprenticeship, even without considering the prospective advantages which, in a very short period, will be enjoyed by them, having been secured by that Act against which so many objections are urged. The advocates for the abolition of the apprenticeship forget the wrongs endured by the slave—the wrongs committed in privacy and never heard of in this country; they forget the absence of all legal redress for those wrongs during slavery, and limit their view to those individual instances of cruelty, the natural results as I contend of slavery, and which, taking place under the present system, are brought fully to light, are subjected to close investigation, are punishable by law, and which are exceptions to the general rule, and cannot fairly be taken as illustrative of the working of the apprenticeship system. The case of Williams has been alluded to, a case in which transactions have been brought to light which cannot be spoken of in too strong terms of censure and disgust; but that case was a direct infraction of the law, and no sooner was it detected than some of the parties implicated were punished, and against others the Attorney-General was directed to institute prosecutions. Nothing can be more unfair than in the publication of that case to represent it, as has been done throughout the country, as the case of 800,000 of our fellow-subjects; on the contrary, I am prepared to show, that, with regard to the conduct of individuals in the great majority of cases, there has been on the part of the

West-India proprietors and their agents in the colonies a *bona fide* adherence to the spirit as well as the letter of the Emancipation Act, and that they have given their cordial concurrence in carrying out the principles of that Act. The charges brought against the mass are, in fact, applicable only to a small minority.

The first authority which I will cite in support of this position is that of Lord Sligo, during the last few months of his residence in Jamaica. In his despatch of the 9th July, 1836, he says,

"I have the honour to enclose herewith the usual quarterly reports of the Special Justices in original; the most striking feature contained in the majority of them is the increased kindness of the managers to the apprentices; they have, in fact, found from experience that the most advantageous manner of managing them is by conciliation; while, however, this is distinctly stated in several cases, I am sorry to say that it is not universal. I know several attornies who continue their old system of exacting the pound of flesh, which I unhesitatingly pronounce to be the worst possible policy, and that many a proprietor in England will deeply suffer if they do not throw on one side all the nonsense which is so prevalent about the negro character not being known."

And again—

"Now the desire to annoy the people has much ceased, though it exists in some places still. At first, however, I am quite certain that several of the lowest sort of bookkeepers and overseers have, out of spite to the Bill which set the slave free, determined to annoy them; this, of course, did much harm, and I the more rejoice at the report that this feeling seems to have rapidly passed away. These people have, in many instances, had all their former allowances of food and indulgences stopped from them, and for some unwillingness to labour, or some reason, whether deservedly or not so, their Saturdays are often taken from them; how, then, are they to exist but by theft? These cases, however, are not very general, and some bright examples of kind and good conduct are to be seen in all parts. I would particularly call your attention to the beneficial effects of the humane system of management exemplified in Mr. Baynes's report of the parish of St. John's, where Spring Vale, under the management of Mr. James Wright Turner, exhibits an absence of complaint which is quite extraordinary."

Again, on the 1st August, 1836, Lord Sligo, writing under a conviction of the defects in the existing law, says,

"Your Lordship having been pleased in your despatches of the 24th April and of the 14th June, to direct me to turn my attention to some enactments to remedy the deficiencies in the abolition law, for the purpose of preventing the perpetration of such cruelties as are therein alluded to, I have the honour to state, and I do so with much pain, that the necessity for such enactments becomes every day more and more apparent to me, and that the hope I entertained of the existence generally of ameliorated feelings, though justified in many instances, is not universal. I must, however, remark, that the prevalence of such system, as I must consider to be objectionable, is in particular districts only; still they must be provided against, and though much blame has attached itself to me for having used on a former occasion the same language, I again say, advisedly, that the remedy must come from home."

Lord Sligo, whose well known benevolence and humanity give the greatest weight to his opinion on this subject, writing with a full sense of the inadequacy of the existing law to enable the Government to check abuses in particular districts and individual cases, considered that the remedy would be, not the abolition by Parliament of the apprenticeship system, but the placing greater powers in the hands of the Executive Government.

Again, in his despatch of the 23d August, immediately before his retirement, he says—

"In making to your Lordship my usual report by each packet, on the general state of the island, the last which, in all probability, it will be my duty to make to you in the character of governor of this colony, it is my pride and satisfaction to be able to say, that I leave the administration of affairs in the hands of my successor in as easy a state as can be well imagined."

Such then was the opinion of Lord Sligo up to the latest period of his administration.

What has been the subsequent testimony of Sir L. Smith? In his despatch of the 23rd of September last he writes—

"In acknowledging the honour of your Lordship's despatch, No. 30, dated the 30th December, 1836, referring to various despatches of Lord Sligo, reporting acts of oppression towards the apprenticed labourers, and instances of their ill-treatment in houses of correction, I have to express my regret that I have not been able to reply to it earlier; but it was referred to the Attorney-General, and has laid over a considerable time."

After adverting to some of the cases to which his attention had been called, he adds—

"I would not on any account give your

Lordship to believe, that these evils are general; on the contrary, I consider them of rare occurrence; but unfortunately we have nothing but the usages of slavery to insist on, without any positive law to enforce them. The only expedient we have is to direct the special justices not to award any punishment for insufficiency of work, occasioned by that want of necessary assistance which they are fairly entitled to."

And again—

"On well-regulated estates, those usages and indulgences have never been withdrawn, and the system is working satisfactorily: but it is where managers or overseers, having only a temporary interest in the properties, disregard the present welfare of the labourers, and the future benefit of proprietors, that discontents and complaints are created, alike injurious to the working classes and to the character of the community."

Again, in his despatch of the 13th of November, Sir L. Smith states—

"I believe all parties would be glad to abandon the system to-morrow for further compensation. When asked my opinion on that subject, I have deprecated its absurdity, because I felt convinced no Ministry could go to Parliament for an additional grant towards negro freedom; nor would it, in my opinion, be desirable, if we could get the local abolition law revised and improved. As it stands, I denounce it the worst law of all the late slave colonies."

With reference to one observation in this despatch, I may take this opportunity of stating my belief that the very agitation of this question here, by encouraging the hope of further compensation, has had the effect of checking a disposition on the part of the local legislatures, in some instances at least, to abridge by their own acts the period of apprenticeship. In Barbadoes, where, I believe, that it might be safely and beneficially terminated at an early period, the subject has recently been brought under the consideration of the Legislature, and it is evident that an impression existed in the minds, at least of some of its Members, that an abridgment of the period of apprenticeship might be forced on the Government; and as it was not believed, that such a measure would be acceded to by Parliament without additional compensation, a fear was expressed that this advantage would be lost by a voluntary abandonment of the system. I trust that the result of the present debate will completely check this expectation, as I cannot for a moment suppose that any further compensation will be provided by Parliament for negro emancipation, and thus one obstacle at least will be removed, to the speedy termination of the apprenticeship in those colonies where, there is reason to believe, that this change might be beneficially effected.

Having laid before the House the opinions of the late and present Governors of Jamaica as to the extent of the evils now existing, and the nature of the remedy to be applied to them, I proceed to call its attention to the reports periodically transmitted to this country, and laid before Parliament, from the special magistrates engaged in the administration of the law. The papers before me would indeed supply voluminous extracts if required, in support of the view which I take of this case, but I shall content myself with only a few, chiefly taken from the reports of those magistrates who are well known as men above all suspicion of partiality towards the proprietors, or of indifference to the rights of the negroes. The first passage which I will read is from a report of Mr. Daughtrey, a magistrate whose name is well known as having been one of the Commissioners employed by the Government in the investigation of the case of Williams.

The report is dated in January, 1837. He says—

"With partial exceptions, the conduct of the apprentices has continued to be favourable. They are gradually performing their labour with more apparent willingness and good humour.

"Though the feeling between them and their masters is not universally cordial, there is scarcely any instance in which a decidedly bad feeling exists, and on some few properties the harmony and mutual confidence are extremely gratifying. It is much easier to discern the causes of the confidence than of its opposite.

"Task-work has not been resorted to here to any great extent; I am not aware, however, of any prevailing objection to it in the minds either of masters or people, but like every deviation from the beaten track, its fancied difficulties have been allowed to prevent any considerable attempt to introduce it. The steps at present in progress, under the auspices of his Excellency the Governor, will, I trust, issue in an extensive application of this most desirable mode of carrying on the labour of the island.

"The disposition to work for money wages is increasing. Some plantations which had been suffered to run almost into a wilderness before the commencement of the apprenticeship, by the diversion of the strength to other objects, as, for instance, the cultivation of ginger, have been nearly restored during the last few months, solely by labour obtained from apprentices in their own time. It has become now, I think, a matter of general observation that they do more on a free labour day than on a compulsory day, and yet, on occasions of this sort they are often far less strictly superintended. They appear actually ashamed to skulk on a hired day. The rate of wages depends upon the nature of the work, and varies in this neighbourhood from 2*s*. 1*d*. to 3*s*. 4*d*. currency. The smaller sum is the rate for all ordinary purposes. The payment is in money, daily."

In a subsequent passage of the same report, Mr. Daughtrey observes:—

"With regard to the free children, I discover nothing within the range of my observation that would lead me to think that any considerable number of them were suffering from neglect. If they have lost the care of the estate, which they have not every where done, the father, often by marriage or other means, has acquired new views of the parental obligation, and for the first time, with his wife and his children around him, has a feeling of home."

The next extract is from Mr. Lyon's report transmitted at the same time.

"In taking a review of the interval that has elapsed since my last quarterly report, I am happy to have the opportunity of asserting that nothing has occurred to indicate any alteration in the general good conduct and industrious disposition of the apprentices of this district—a grateful fact, which furnishes me with no opportunity of original remark; I therefore comprise everything that can be said on the treatment and conduct of apprentice, (master and apprentice,) when I observe that each party are performing their relative duties as well as can be reasonably expected from men in their peculiarly anomalous situation."

After a valuable and interesting statement as to the conduct and pursuits of those negroes who had purchased their manumission, he adds:—

"But though I have the greatest confidence in the general industry and improved condition of the peasantry after August, 1840, I do not think from the present disproportioned number of the population, as compared with the quantity of land in cultivation, and its productiveness, that it will be possible to continue the manufacture of sugar to the same extent as at present: the feelings and dispositions of the unapprenticed labourers, being taken as indicative of the disposition of the peasantry at that period, is, I think, conclusive testimony on that point. The great number of negroes who will then be proprietors of small freeholds will render, probably, the major portion of those at present labouring on sugar estates independent of daily hire; while the remainder who will be so dependent, will be exposed to the temptations of the coffee planter and small settler, on whose lands the labour of cultivation will be less onerous, and not exposed at any season to the continuous exertion requisite about the boiling and distilling houses in the manufacture of sugar. In my opinion, the only probability the sugar planter has of continuing cultivation to any extent after the termination of the apprenticeship consists in his seizing the golden opportunity afforded him in the remaining term of compulsory labour, of creating in his labourers a strong local attachment to their present homes and land, and by identifying their interest with his own success.'

Mr. Higgins, another special magistrate, says:—

"I am of opinion there cannot now be a doubt in the minds of even the most determined opposers of the apprenticeship system, that it does work and will work well to the end of the six years; whether after that period the labourers will work on the several estates mainly depends, I think, on the planters themselves, and on the mode in which they may conduct themselves to their apprentices during the term of probation. In that respect, I am happy in being able to state that, a great change for the better has taken place during the last few months. Anger and coercion have had their day. But a feeling of self-interest is now beginning to introduce milder and more conciliatory measures; and the proprietors and managers generally are showing a more ready disposition to meet the new system in a liberal and honourable manner."

Mr. Carnaby says:—

"I have much pleasure in reporting that the apprentices in my district are well-disposed, and that their conduct for the last quarter has been both quiet and orderly; they perform their work cheerfully, and I have lately perceived a better feeling existing between the managers and the general body of the apprentices; they are treated humanely by the great majority of those placed over them.

"The working hours are nine daily, by which the apprentices have it in their power to devote every Friday afternoon and Saturday to the cultivation of their grounds, or to labour for hire. When the length of the day permits, they have one hour for breakfast and two for dinner; but when the day shortens, it is found necessary to curtail those hours a little, to give the estate the legal labour, and preserve to the apprentices the Friday afternoon.

"Voluntary task-work is becoming more general, and in the digging of cane-holes and cleaning the cane-pieces, answers well.

"I have, within the last few months observed an improved disposition on the part of the apprentices to labour in their own time for hire, for which they receive from 2*s*. 6*d*. to 3*s*. 4*d*. per day.

"The greater number of attornies and

managers give many of the old allowances. Those withholding form the exceptions, and do so either from the poverty of the property, or their own bigotted and illiberal notions.

"Great efforts are making by every class in the island to extend church and school accommodation with considerable success, and attendance at church daily increases. As regards the free children, they seem to remain a burden on their parents, who, where localities permit, place them at the schools now daily opening. Though private munificence and benevolence have been great, there is still a wide field for national aid in those respects, the attendance at church, in this quarter particularly, being more than equal to the existing accommodation."

The next magistrate, to whose report I shall refer, is Mr. Edward Baynes, a gentleman above all suspicion of undue partiality to the present system. After enumerating some of the evils which were prominent in his district, he adds:—

"It is by no means my intention to imply that, even on estates where the reins of discipline are tightest drawn, the negro is labouring under actual oppression and cruelty; my observations are limited to the short-sighted perverse, and unconciliatory system, but within the pale of the law, pursued by some, which, generating ill-will and resentment in the breast of the apprentice, will too surely be visited, to his cost, on the proprietor in the sequel."

Again, towards the close of the same report he says, with reference to the alleged increase of crime, that nothing could be more contrary to the fact than such an allegation: the apparent increase had arisen from offences which had been formerly concealed being brought before public notice.

"Formerly, (he says) all but enormous and atrocious offences were visited by domestic discipline, and in multifold instances, even these were never punished at all; the proprietor too often regarding with indifference aggression against the public, where he himself was not an immediate sufferer. He rarely, therefore, gave up to justice a delinquent slave, unless in cases which subjected him either to the penalty of transportation or that of death; in both which instances he was reimbursed by law for his loss. He often esteemed it his interest to shield a minor offender, by whose punishment, by imprisonment or otherwise, he was liable to be, in any shape, himself damnified. Circumstances are now *toto cœlo* diverse. The magistrate before whom any case, not special, is brought for examination, must, if borne out by evidence, commit the accused for trial in the superior courts; hence the apparent increase of crime, about which so much has been so unjustly said, for the sole purpose of prejudicing and throwing disrepute on the general character of the negro population. The increase of cases brought before the tribunals is, therefore, in this country no indication of the increase of crime; and as for the total sum of punishment now awarded by the sentence of the special magistrate on the apprentice, no one unbiassed, or unblinded by the spirit of party, will pretend that it amounts to the one-hundredth part of that inflicted by domestic discipline on the slave."

Mr. Higgins, in a report of a subsequent date, says:—

"Whilst I am able thus to bear testimony to the general good conduct of the negroes, I have much satisfaction, also, in having it in my power to commend the proprietors and managers generally, for conducting themselves towards their apprentices in a kinder and more conciliatory manner. Some of the subordinate planters, it is true, still cling to the old system, and cannot divest themselves of their former prejudices towards the negroes; they at present, however, I am happy to say, compose but a small section of the general body of the planters of this district."

Mr. Lyon, in March, 1837, makes the following report:—

"From the commencement of the apprenticeship I have been anxiously and unremittingly watching the development and the beneficial progress of freedom. In superintending the administration of the Abolition Law in this district, during a period of more than two years and-a-half, I have had the gratification in each quarter to report favourably of the conduct of the apprentices, to speak well of the condition of the estates, and, in announcing that crime had decreased, to represent that the decorum of social life was daily being better understood and observed by the labouring population, and that the example of those who were released by purchase from their apprenticeship was likely to have a beneficial influence upon the habits and feelings of the remaining bond-servants.

"On this, the last opportunity afforded me of reporting the state of this district, and the condition of the peasantry (my services being transferred by his Excellency's command to a distant part of the island), I am happy that I am enabled to repeat what on so many occasions I have had the pleasing satisfaction of detailing by a reference to facts; that the conduct of the apprentices and the condition of the plantations continue satisfactory, the number of offences against the provisions of the Abolition Act having diminished to a degree hardly possible to admit of further reduction. The few cases that do occur are chiefly of the most trifling description, and such as happen among agrarian labourers in the most favoured nation of the world, "I confidently hope that the habits of industry and decorum, which have conduced to so favourable a state of things among the working classes of this district, founded as they are upon an increase of religious knowledge, are too firmly rooted to admit of the possibility of disorganization or rupture; and that they with whom, and for whom, I have so long and so anxiously laboured may live to enjoy, and by their conduct to promote, a happy and prosperous condition of society on the termination of the apprenticeship in 1840."

Mr. Grant, in April 1837, says,—

"It affords me much pleasure to have to state, for the information of his excellency the governor, that, since my last quarterly report, the apprentices generally in this extensive district have conducted themselves with very great propriety, paying strict attention to their duty, and respectful and obedient to persons in authority over them in almost every instance where persons, by conciliatory and kind acts, show themselves deserving of, and entitled to, respect and obedience.

"There is in general a good feeling between the apprentices and their employers. To an intelligent manager it is very evident that, on the cultivation of a good feeling between himself and his apprentices, altogether depends the success of his endeavours for the benefit of the property under his charge; yet there are men who imagine that nothing can be done but by coercion, who watch every action of an apprentice in the endeavour to find something wrong, and for this have him or her (if possible) punished. The exceptions, however, to a general good feeling between both parties in my district are, I am glad to say, very very few; in those few instances, however, where a bad feeling does exist, I have no hesitation in attributing its cause to the irritability of the managers, in whose minds no thought of conciliation ever enters. The apprentices generally perform their work willingly, and well; they know that they have a duty to perform, and, far from evincing any desire to elude that duty, they seem to perform it with pleasure."

On the 1st July, 1837, Mr. Fishbourne says,—

"The general conduct of the apprentices in my district, since my last general quarterly report, has been peaceable and industrious; they perform their labour well and willingly; and to these causes I attribute the good feeling which almost universally subsists between them and their owners. The spirit and disposition of both toward each other is generally of a more amicable description than I have observed since I came to the island; and a desire to encourage mutual forbearance and confidence seems to spread more and more every day. Complaints against employers are very few; whilst, on the other side, the charges now brought forward are neither so numerous nor of so aggravated a nature as formerly."

Mr. Lyon, having recently been appointed to a new district, in which abuses were suspected to have existed, after detailing the circumstances which he found to require correction, and the means which he had taken for this purpose, adds,—

"I have, I trust, succeeded in putting an end to the system of incarceration in cells and assault by constables, and yet I have not had a single complaint of indolence against a gang, and remarkably few complaints by managers against individuals; and I feel the most perfect confidence that, with the support I am sure to receive from the executive, I shall in a very short time be able to see the benevolent law for the abolition of slavery fairly, fully, and beneficially in operation, to the great increase of the mutual advantages of master and apprentices."

Mr. Harris says—

"The good feeling and friendly understanding, which it has afforded me such pleasure on previous occasions to afford my testimony to and approval of, still reign predominant in the district; and in any case where the stream thereof might happen to be obstructed, it could only be attributed to the attempt at exercising by the employer something of the despotic sway of olden times, including a harshness of tone and manner, and ungraciousness, which the emancipated bondsman or woman cannot be expected to endure as the affrighted and trembling slave would and must have done. The labouring populations, after a three years' enfranchisement from thraldom, know too well their rights and liberties; they feel themselves raised and elevated in the scale of existence; and what would once be accounted heinous offences, and punished with severity, can and should now only be considered as a respectful assertion of their rights.'

And again,

"As to the indulgences usually allowed during slavery, my observations and remarks hereon must be the same as those heretofore submitted; they are most usually given; but, as they are only indulgences, they are liable at any moment, and upon any occasion, to be wholly or partially withheld, and either temporarily or permanently. Upon the whole, I believe they are allowed, and if at any time withheld, not for any very considerable length of time."

Mr. Daughtrey again, in July, 1837, says,

"Of the gradual improvement of the people under the present system, no doubt can exist. I know no intelligent person, with opportunities of forming an opinion upon the subject, and who has been long enough in the island to compare one period with another, who makes it even a question."

I might multiply extracts of this description if it would not weary the House; but I confidently appeal to the general tenor of these reports, as proving the great improvement which has taken place in the moral and social condition of the negro under the present system.

I would ask hon. Members to read these reports with attention, to consider them as a whole, and to view them in connexion with the particular instances of oppression and of wrong which have excited so much just indignation, but which alone do not afford a fair view of the operation of the system. I again protest against one case being selected from 1,000, while the remaining 999, of a totally different character, are carefully withheld or overlooked. The general result of all these reports is of a decidedly favourable description. The evils which remain, and on which these reports are by no means silent, are the remnant of those inherent in slavery, and are gradually passing away. It would be the extreme of folly to suppose that, by the mere enactment of an act of Parliament, virtue could be immediately substituted for vice throughout a society tainted by slavery, or that feelings of benevolence and good will would universally spring up where, for a long series of years, the prevailing features of the system had been irresponsible power in the master, and terror in the slave. There has, however, been a far more rapid improvement in the nature of the relations between master and apprentice than could have been anticipated by the most sanguine advocates of the new system at the time of its establishment; and I believe it would be most impolitic for Parliament now to interfere by a sudden disruption of the ties which yet bind one class to the other.

In addition to the passages which I have read from the ordinary reports of the magistrates, there is one of a different nature, to which I feel it my duty to advert. The report to which I now refer is that of Mr. Edward Baynes, a most intelligent and humane man, and it comprises answers to certain questions which had been addressed to him by a Mr. Hovey, the agent of a society in the United States, having for its object the extinction of slavery and the amelioration of the condition of the labouring population. Mr. Baynes has had much experience in the working of the apprenticeship system, and has been by no means insensible to its defects. I mention this as giving additional force to the observations which I am about to read. Some of the questions addressed to him were the following—

"Is there an increasing confidence among the people in the stability of the present course of things? He says, by the expression, 'present state of things,' does Mr. Hovey allude to the apprenticeship? If he do, it is clear that, being an intermediate state between slavery and freedom, a period simply of transition and preparation, it can in nowise be said to possess stability. If Mr. Hovey's meaning extend generally to the measure in progress, and to the great end to be attained by the elevation of a lage portion of the family of man from the most pitiable and degrading state of slavery recorded in the annals of history to the condition of freemen, there can be no doubt that the experiment has not only been attended with complete success already, but that its effects also will be lasting and stable."

"Do they perform much extra labour for hire?—As regards the performance of extra work for hire, they consult their own convenience, as freemen should do. Some sell their time, and afford to their employer an adequate proportion of labour; others prefer using their extra hours in the cultivation of their provision-grounds, and the sale of the produce in the market."

"Is an increasing desire for knowledge and instruction apparent among them, and if so, in what way?—An increasing desire for knowledge and improvement is apparent among them; it manifests itself now in the general acceptance of the truths of Christianity, in the enlarged attendance on places of public worship, in the increasing attention to personal decency and comfort in their apparel and houses, and in the signally intelligent questions which they often put; on a variety of subjects, to those who have inclination or leisure to converse with them."

"Has the amount of labour in the island diminished since 1834; and if so, how does it appear?—I have not time sufficient at my disposal to follow this question through all the details which a complete view of the objects that it embraces would lead to; I shall simply observe, that the general amount of labour performed in the island has not diminished since 1834. The exports have necessarily declined with the disuse of the hideous and abominable system which drove the slave to the field before daylight, and kept him there, with little intermission, until night supervening rendered the continuation of his task a matter of impossibility; a system which often kept the negro, when employed in the manufacture of sugar, on continuous labour for six days and as many nights, during which time the only intervals he could devote to rest were snatched by stealth from the vigilant eye of an overseer, and liable to be rudely interrupted by the lash of his inhuman taskmaster; a system under which, before the abolition of the slave-trade, the negro was worked like the horse or the steer, until he dropped under his burthen, and when it was held more profitable and planter-like to purchase a new slave than to incur the expense and trouble of patching up the worn-out constitution of some unhappy wretch diseased or disabled by cruel treatment, or by compulsory exertions beyond his strength. From these and similar causes, the quantity of agricultural labour expended on exportable commodities has necessarily decreased in amount; but the sum total of labour performed in the island has not at all diminished. It seems to be an undeviating rule of nature that all atrocious violations of her laws defeat the end which they are meant to attain. The negro, it is true, then died under the load or under the lash; but though his master had the power to stay him, he had not that of making him work willingly, or even adequately, when removed from his immediate inspection. Such part of his extra time as the negro can now spare, without infringing on that claimed by nature for repose, is devoted to his immediate profit and convenience; and it is needless to say that one hour of voluntary is worth two of compulsory labour. Hence the aggregate of the work effected in the island has not decreased; the labour is merely diverted into other channels. A reference to the returns of the custom-house will show that, whilst exports have fallen off, imports have considerably increased. The negro, in fact, now certainly does less for his master, but vastly more for himself. The course which industry has taken daily developes new resources, creates fresh wants, improves the condition of the people (by the people I mean the labouring population of Jamaica), and increases the market for the staples and manufactures of the mother country, without injuring the revenues of the colony."

"Has the introduction of the new system had any perceptible effect on the enterprise and prosperity of the island, and especially upon the value of property?—Again, as I observed in reply to No. 5, I have not time to go into a lengthened statistic detail, and must confine my remarks to facts that Mr. Hovey's own experience will probably have made him acquainted with. The new system has had an effect on the enterprise and prosperity of the island, totally unanticipated by the most sanguine at its commencement. New towns have been founded in various parts of the country; and in the old, new houses are springing up on all sides. Institutions, unthought of in the days of slavery, are established for agricultural and scientific purposes. Land daily increases in value, and the labour of apprentices, considered as property, has brought, and is bringing in, for the six years of the apprenticeship, a sum equal to three times the whole life value of the slave, as appraised by commissioned valuators in 1834."

Now, I ask, whether, after having heard these opinions, entitled, as they are, to the greatest weight, and forming a small portion only of the evidence of a similar character contained in these volumes, which I trust hon. Gentlemen will take the trouble to examine before they hastily adopt a conclusion adverse to the view which I have taken,—I ask, whether the representations and statements which have been circulated through the country are warranted in point of fact? Only yesterday a memorial was presented to the Government by a large body of delegates, representing the wishes and feelings of the inhabitants of various parts of the country, and speaking with the authority which undoubtedly attaches to their number and their character. What are the terms in which that memorial speaks of the present condition of the apprenticed negroes? The parties from which it emanates state, that they have learnt with feelings of disappointment and disgust, "that, with but few and slight exceptions, the purposes of the Abolition Act have been defeated; and that, a people, already crushed by tyranny and oppression, have had their miseries aggravated, and in a variety of ways have been spoiled and harassed beyond all they had to endure under slavery itself." Is that statement borne out by the evidence? Let the House compare it with the facts which I have submitted to them, and I would then ask, whether there is any ground for such an opinion, or any sufficient reason for the great excitement which has been raised? I have no doubt, that those from whom this memorial emanates were firmly convinced of the truth and accuracy of their statements; but this is only a proof, that the most incorrect information has been circulated on the subject. I believe the information which has been so circulated, and on which resolutions have been passed, and petitions framed, has originated with some few persons, who, with good intentions it may be, but with excited and mistaken feelings, desire to prevent the peaceful termination of the apprenticeship at the expiration of its legal term. There were those in 1833 who declared, that nothing should induce them to assent to the apprenticeship; and who, not having then succeeded in defeating it, are determined in 1838 that it shall come to a violent termination.

Frauds have been practised at public meetings by a concealment of the truth, frauds for which the Government at least are in no degree responsible, as they have imparted the fullest information, withholding, indeed, nothing from Parliament which made against the system, but exhibiting a faithful picture of it as a whole. Difficulties of no ordinary nature there no doubt have been in the administration of it; but the constant endeavour of the Government has been to secure its working in accordance with the principle of the Abolition Act, and advantageously to the interests of all parties concerned in it. The result I believe to be, that it is impossible to assert, that the experiment has failed, or that, in the great majority of instances, any foundation exists for the charges which have been brought against the whole body of proprietors.

There is one other extract from the Reports before me to which I feel it right to refer, as materially bearing on the state of the apprenticed negroes. The document from which it is taken is a report from three special magistrates on the state of crime in Jamaica, which had been represented to have been greatly increased. I select the following passage as affording strong evidence of the improvement which has been effected. It is well known how low the state of moral feeling was during slavery, and how great was the licentiousness which it occasioned. These magistrates say,

"The perpetration of rape, which the grand jury declared to have become frequent in a country in which formerly it was of rare occurrence, should be deemed not the evidence of increasing crime, but of a sense of increased decency and moral propriety in the peasantry, who claim the protection of the law against this outrage."

"It is presuming too much on the illusion of prejudice to suppose it can be believed, in a state of society in which, till lately, the caprice of a master, or the wanton depravity of a plantation underling, could expose the nakedness of a female, and subject her to be lacerated by the whip of a driver, that the chaster virtues could have been much practised or much regarded. The wise dispensation of Providence, which assigns ignorance to brute creatures, as a mitigation of their condition, has made also the extinction of the acuter moral feelings, and of the capacities of thought, intelligence, and reflection, a means of reconciling men to the degradation of slavery; the low desires and affections of such a state could never have ranked chastity as an important virtue, or, if it did, the defenceless condition which made the happiness and usefulness of one class of our fellow-creatures administer to the arbitrary self-will of another, presented too many inducements to the weaker portion to surrender it without complaint, to the lust and caprice of the stronger. In every country in which the domestic virtues are cherished, deviations from moral propriety subject those who are betrayed into error to exclusion from society. In those in which female chastity is respected, the ravisher is punished ignominiously; while, wherever virtue is treated with indifference, the crime, though not heard of, is yet perpetrated, but the offence is not viewed as a great atrocity. A similar state of moral feeling prevailed during the existence of slavery; but, under freer institutions, or those where religion has spread its influence, and the virtuous affections are regarded, female honour is made to claim the protection of the law; hence it is, that the crime of rape appears among the offences of the calendar, and demands protection from the same tribunal, which sees, for the first time, the once slave assuming the dignity of the citizen, and demanding that truth, good faith, and honesty, should judge in his interests as they judge in those of any other set of the King's subjects."

This passage is of great importance, as bearing on many of the cases which have been referred to as evidence of increased suffering on the part of the negroes. So far from showing their degraded condition, these very cases, and the publicity given to them, tend strongly to show that they are more sensible of their rights, and of the protection which the law affords them. The hon. Member for Durham has alluded to several cases where illegal acts of violence had been committed on them; but has he shown that the law has been insufficient to bring the offenders to punishment when the crime has been discovered? Take again the case of Williams. No sooner was the local Government informed of the facts connected with that case, than a remedy was applied, and measures taken for preventing the repetition of atrocities such as were developed in that investigation. But that case was known to individuals, who became acquainted with it in the colony for months before it was communicated to the Government. Instead of its being disclosed to the Executive Government, in order that the guilty parties might be punished, and the evil stopped, it was concealed until it could be used for the purpose of exciting the public mind in this country. Connected as I am with that department of the Government to which the administration of the colonies more immediately belongs, I rejoice that no share of the responsibility rests on me for the continuance of those atrocities one hour after they were brought under the notice of the Government. An immediate inquiry was instituted, and, so far as the power of the Executive Government extended, an immediate check was placed on the practices which were discovered. That this was not done many months sooner, is entirely owing to the conduct of those who abstained from at once making the facts known to the local Government, when measures would have been promptly taken for investigation and redress.

A passage was read by the hon. Member for Durham, from the Report of the Commissioners of Inquiry in this case, stating that the treadmill still is an instrument rather of torture than of just and salutary punishment. It was so at the time of their investigation, but Sir L. Smith, in transmitting their Report, distinctly states, that he had given most positive orders to put a stop to this abuse, and that he had regulated the punishment with due regard to moderation and safety.

Again, the cases have been referred to in which females have been flogged—a practice which, I believe, to be wholly illegal, even under the circumstances in which it has been proved to have taken place.

This punishment has never been inflicted, except under pretence of workhouse or prison regulations, and even in such case the Legislature of Jamaica have expressed their belief of its illegality. I must say, that I think they would have acted more honestly, and evinced a greater disposition to correct abuses, had they effectually removed the doubt on this subject by a declaratory law. These cases, however, are not necessarily connected with the apprenticeship system. Under that code, it is true, that persons are liable to imprisonment, with hard labour, for offences which are peculiar to the existing system; but if the apprenticeship were to be abolished tomorrow, there are numerous offences of which females might be convicted under the ordinary laws, and by the ordinary magistrates, which would subject them to the same punishments. By the Bill now before the House, we propose to put an end to the punishment of female apprentices by flogging, under any pretext whatever. My hon. Friend has stated, we are only repeating an enactment which has already been found inefficient. This is not the case. If he had looked attentively at the clause of the Act of 1833, which prohibits the flogging of female apprentices, he would have found a proviso, which excepted from this prohibition those offences which would subject any person of free condition to the same punishment. This proviso has given rise to the only doubt on the subject. It is alleged, that all the inmates of the workhouse, whether free or not, are liable to the prison regulations in this and every other respect. We propose now to omit this proviso, and to render the prohibition absolute in the case of female apprentices, and a penalty is to be attached to the breach of the law. By this means, all doubt on the subject will be removed, and a power given to enforce a compliance with what was clearly the previous intention of the Legislature.

The hon. Member for Durham has also alleged, that a breach of contract has been committed, in the reduction of the amount of food allowed to the apprentices, and has particularly referred to British Guiana as establishing this objection.

The Act for the Abolition of Slavery expressly provided, that the persons entitled to the services of an apprenticed labourer should be required to supply him with such food, clothing, lodging, medicine, medical attendance, and such other maintenance, and allowances as by any law then in force in the Colony to which such apprenticed labourer belonged, an owner was required to supply to any slave being of the same age and sex as such apprenticed labourer. It fixed these allowances at the same amount, during the apprenticeship, at which they were fixed by law at the time of the passing of that act. Now, in British Guiana, a proclamation of Sir B. D'Urban, who was then Governor of that colony, regulating the amount of food to be supplied to the negroes, not as apprentices, but as slaves, had been issued in the beginning of 1833. My hon. Friend says, this was not in force when the Act for the Abolition of Slavery passed, not having been expressly confirmed by Order in Council. This is a legal question, on which I am not prepared, on my own authority to dispute his view of the case; but the question has been referred to the law officers of the Crown, and they have given a decided opinion, that the proclamation in question was in force, and that consequently the scale of food which it prescribed was fixed as the legal amount to be supplied to the apprentices by the clause of our own Act, to which I have referred, and that it could not be increased without the authority of Parliament. The hon. Gentleman has referred to the correspondence on this subject, and has professed his ignorance of the steps taken by the Government to remedy the grievance. If he had read the Bill sent from the other House, and which I hope will soon become law, he would have found that this case is expressly provided for, and that a clause is contained in it, authorising an increase in the amount of food to the apprentised negroes in British Guiana, notwithstanding the legal difficulty which has arisen on the subject. But with regard to British Guiana, and other colonies similarly circumstanced, there can be no pretence for alleging a breach of contract as against the proprietors for defects in the law. That colony, as one of the Crown colonies, is subject to the legislation of the Queen in Council; and if any defects exist in the laws in force there, as it respects the apprentices, the charge ought rather to be preferred against the Government than against the proprietors, who may be compelled to submit to enactments by orders in Council.

But my hon. Friend next adverted to the amount of punishments inflicted in British Guiana as proof of a very severe and defective administration of the law. From all the information which I possess, I am persuaded that the statements which he has made, give a most unfair representation of the administration of the apprenticeship system in that colony under Sir Carmichael Smyth. All who know that officer must acknowledge, that no man can have been more anxious than he has been to carry out the principles of the Abolition Act with a due regard to the interests of all parties, and more especially of the apprenticed negroes. I am confident that the hon. Gentleman in the complaints which he has preferred against him, has drawn his information, not from the papers before the House, some of which he cannot have read, but from some person whose object it must have been to make out a case against Sir Carmichael Smyth and his administration in British Guiana. The hon. Gentleman stated the amount of corporal punishment in that colony during the first six months of the apprenticeship. Is he aware that during slavery that punishment was carried to a greater extent in British Guiana than in any other colony? Has he compared the amount during even those first six months, with what it was during any corresponding period before the abolition of slavery? The hon. Gentleman has said, that he has not the means of knowing what the facts at present are on this subject. If he had referred to the tabular statement contained in the papers before the House, he would have found accurate information upon it. He would have found, from the return of punishments exhibited in that statement for the year ending with May, 1837, that there had been a most rapid decrease, especially of corporal punishment. The return for the last month of that year being incomplete, I will refer to that for the month of April, in which, out of a population of more than 70,000 apprentices, the whole number of punishments of every description was only 489, or five-eighths per cent., of which the corporal punishments were only three, and the maximum of punishment of any other kind was one month's hard labour. I may add, that corporal punishment in that colony, has been wholly discontinued, except on reference to the governor, and in cases of theft.

If I wanted a proof of the rapid improvement which has taken place in British Guiana since the commencement of the apprenticeship, I should appeal to this fact, that although during the first few months of the new system corporal punishment was considered necessary to a great extent, though much reduced as compared with any former time, in the short space of three years it had been altogether discontinued, except in a very few cases, not of offences under the apprenticeship code, but of theft.

Again, as to the condition of the free children in that colony, I am at a loss to know where the hon. Gentleman can have obtained his information on this point. The papers before the House, which he might have examined, give very detailed and minute information on this as well as on other matters connected with the condition of the negroes in British Guiana. A series of questions calculated to elicit the fullest information, are periodically answered by each of the special magistrates; these answers are transmitted to the Government, and laid before Parliament. One of these questions relates to the condition of the free children, the care taken of them, and the manner in which they are maintained, and their medical treatment when sick.

I will read the answers of each of the special magistrates to that question for one month from the papers now on the table of the House.

"The children are allowed provisions, nurses, and medical attendance."

"The children are allowed the same food, &c., as when in a state of slavery."

"The children are fed and allowed the same advantages as when in a state of slavery."

"On all estates the children are allowed food, nurses, and medical attendance."

"The children are fed gratuitously on all the estates, have nurses and medical attendance."

"The children receive the same treatment as when in a state of slavery."

"No variation has taken place since last report."

The terms of that report being, "They are fed, have medical attendance and nurses while the mothers are at work."

On plantations "Best," "Vreed-en-hoop," and Tuchen de Vrienden," "no food is allowed; but on all the other estates they receive the same allowance as before 1st August, 1834."

"The children are treated as formerly."

"The children are fed and treated in the same manner as when they were in a state of slavery."

"The free children upon all the estates are most liberally provided for."

"Generally the same as before the 1st August, 1834."

"The children are treated in the same manner as when in a state of slavery."

"On most of the estates the children are fed as before the apprenticeship; on all they receive medical attendance."

With scarcely an exception it appears that the free children all receive the same food, medicine, and attention, as they did before the apprenticeship. I wish their condition was equally good in every other Colony. But even if they were not so attended to, it could not be considered as constituting a breach of contract. No legal obligation is imposed on the proprietors to maintain these children. Our own act provided another mode by which, in case of the inability of their parents to maintain them, they might be provided for. A strong and just objection has been found practically to exist in the minds of the parents to this provision, and the great body of proprietors in British Guiana appear to have voluntarily taken on themselves the continued maintenance of the children.

On this point I hope I have fully answered the observations of the hon. Gentleman. He alluded to the testimony of one of the special magistrates. I asked him at the time to mention his name, that I might at once, before the House, compare the statement of this magistrate as communicated to the hon. Gentleman, with his official reports, and the answers given to the questions addressed to him by the Government on this point, as I am unable to find one whose information to the Government, at all bears out the statement on which the hon. Gentleman has relied.

Another part of the hon. Gentleman's observations as to British Guiana, affords the clearest proof, that he has not read these papers himself, but has trusted to extracts made from them by some other person, whose object it was, to establish a case rather than to give a fair view of the whole facts. He has said, that Lord Glenelg was compelled to waive an objection which he had made to Sunday markets in Guiana, and had consented to the enactment of an ordinance, legalizing Sunday markets. Now, if he had read even the whole of the page, from which it is evident his partial information has been drawn, he would have found, that the fact was directly the reverse of what he has stated. An ordinance with the objectionable clause was indeed passed in the Colony, but Lord Glenelg, in his despatch of the 29th of October, 1836, says,

> "The sixth clause distinctly authorizes the holding of markets on the Sunday, although they are to be closed at half past nine in the morning. It is impossible that His Majesty should confirm an enactment, sanctioning a practice which, even during the continuance of Slavery, had been abolished and prohibited."

Sir C. Smyth, in answer to that despatch, states,

> "In obedience to your Lordship's instructions, the sixth clause, or enactment, having reference to Sunday morning markets, and directing such markets to be closed at half past nine, A. M., will also be expunged from the new ordinance."

It is true, that, in that despatch, the Governor, in his own justification, states the reasons which had induced him to assent to the ordinance with the objectionable clause, but he at once yielded to the decided opinion of Lord Glenelg; and, in a subsequent despatch, dated 13th of February, 1837, he says,

> "I have to lay before your Lordship an ordinance for the better observation of the sabbath, in which those enactments of the former ordinance, which were disapproved of by his Majesty, as communicated to me in your Lordship's despatch of the 29th October No. 161, have been omitted."

On a reference to this correspondence, it is clear, that the statement of my hon. Friend on this point was, I am quite sure, unintentional on his part, but undoubtedly the very reverse of the fact.

With respect to one other statement made by my hon. Friend as to the course which had been forced on the Chief Justice of Grenada, who is said to have been compelled to imprison his own clerk for a refusal to carry into effect a decree of the court as to the classification of the apprentices, I can only say, that I have heard it to-night for the first time, and that no information has reached the Government which can induce me to believe that such an occurrence can have taken place. Doubts have certainly arisen in several of the colonies as to the correct classification of the apprentices; but here again the bill which we have proposed will provide an effectual and complete remedy. That bill is calculated to meet every existing evil; to compel, on the part of the minority, a compliance with the humane and judicious system of management in the regulation of the hours of labour, and grant of allowances, as well as in other respects, which has already been cheerfully adopted in the case of the great majority; and further, to supply those defects in the existing laws which the Colonial Legislatures have either refused or failed to supply. That those defects are numerous in the law of Jamaica, I not only do not deny, but I fully admit and even assert. I cannot, however, join in the censure which has been imputed to the noble Lord opposite for the course which he pursued with reference to the Jamaica Act. I regret that it was declared adequate and satisfactory, but that regret is founded on subsequent experience of its defects, and on the subsequent conduct of the Jamaica legislature. The noble Lord only acted as probably any other man would have acted under similar circumstances; receiving, as he did, from Lord Mulgrave, who was then Governor of Jamaica, a strong recommendation as to the course to be taken, and an assurance of his belief, that the Colonial Legislature was actuated by a sincere desire to carry out the principle of the Imperial Act; nor can I impute to the noble Lord any blame which would not equally attach to those with whom he acted. I am only referring to what the noble Lord has himself distinctly stated on a former occasion, when I remind the House that the decision on that Act was not taken until after it had been, clause by clause, submitted for the opinion of his colleagues; and when I remember who then occupied, as a Member of the Cabinet, the highest legal station in this country; when I consider the deference which must have been paid to his opinion on a question of law by those who, technically speaking, were unlearned men; when I advert to the additional weight which must have attached to his judgement on a subject on which he is understood to have taken so deep an interest, and on which he still continues to bestow so much attention, I cannot avoid the conclusion, that whatever blame may be imputed to the noble Lord opposite for his conduct on that occasion, attaches with tenfold force to Lord Brougham, whose duty it undoubtedly was, had he perceived their existence, to have pointed out to his colleagues such defects in the Jamaica Act, as would have rendered it necessary to withhold the declaration of its being adequate and satisfactory for the purpose of entitling the proprietors to compensation. The noble Lord opposite, however, acted with a generous confidence in the Jamaica Legislature, which I regret now to feel was misplaced. I admit the subsequent misconduct of that Legislature to the fullest extent, and it is chiefly to supply their deficiencies that the Bill now before Parliament has been framed. That Bill is calculated to meet the existing evils, but not to advance beyond the necessity of the case. The Government hold themselves bound on the one hand to do justice to the proprietors, and to maintain the compact entered into with them; and, on the other hand, to do justice to the negroes, by asking from Parliament what the other House has already cheerfully and unanimously conceded, and what, I trust, this House will also grant, those additional powers for the Executive Government which will enable it to secure to the negroes, in all cases, those rights which it was the intention of Parliament they should possess during the intermediate state of apprenticeship. An objection has been made to this Bill, that its provisions are not enforced by penalties; and a comparison has been instituted between the penalties under the Abolition Act and those to which offenders were liable under former laws for the protection of slaves. The penalties imposed by the Abolition Act, and which are equally imposed by the present Bill, for the breach of any of its provisions, may be inflicted by a summary jurisdiction. The higher penalties to which reference has been made could only be inflicted after a conviction by a Colonial jury; and it is a general rule, that when a summary jurisdiction is given, the penalty is less than when the verdict of a jury has ascertained the guilt of the offender. But the hon. Gentleman has overlooked one penalty proposed by the present Bill—the loss of the services of the apprentice. It provides, that an apprentice who has been wronged or injured may be altogether discharged from the apprenticeship; and by a clause added to the Bill in the other House, and which I think a most valuable one, the party who has inflicted the wrong, if not himself, the person entitled to the services of the apprentice, is rendered liable to an action of debt for the value of those services, while it is expressly provided, that the offender shall continue subject to the ordinary penalties attaching to his illegal conduct.

Without occupying the time of the House by a detailed reference to other colonies, besides those to which I have particularly referred in answer to the statements made by the hon. Baronet and the hon. Member for Durham, I proceed briefly to advert to some authorities in support of the view which I have taken of this question. The first of these is the Report of the Committee of the House of Commons, in 1836, on negro apprenticeship. That Committee received a great mass of evidence both with respect to the Colonial laws and to the actual working of the system, the evidence under the latter head being chiefly confined to Jamaica. After a long investigation they made a Report, from which I will read the following passage:—

> "Your Committee have thus commented upon the principal points which have been brought before their notice; and upon a general review of the evidence which they have received, they conceive that they are warranted in expressing a belief, that the system of apprenticeship in Jamaica is working in a manner not unfavourable to the momentous change from slavery to freedom which is now going on there. They perceive, undoubtedly, many traces of those evils which are scarcely separable from a state of society confessedly defective and anomalous, and which can only be defended as one of preparation and transition. But, on the other hand, they see much reason to look forward with a confident hope to the result of this great experiment. In the evidence which they have received, they find abundant proof of the general good conduct of the apprentices, and of their willingness to work for wages whenever they are fairly and considerately treated by their employers. It is, indeed, fully proved, that the labour thus voluntarily performed by the negro is more effective than that which was obtained from him while in a state of slavery, or which is now given to his employer during the period for which he is compelled to work as an apprentice. The mutual suspicion and irritation of the different classes of the community appear to be gradually subsiding, and on the part of the negro population, industrious habits, and the desire of moral and physical improvement, seem to be gaining ground. Under these circumstances, your Committee feel bound to express their conviction, that nothing could be more unfortunate than any occurrence which had a tendency to unsettle the minds of either class with regard to the fixed determination of the Imperial Parliament to preserve inviolate both parts of the solemn engagement by which the services of the apprenticed labourer were secured to his employer for a definite period, and under specified restrictions; at the expiration of which he is to be raised to a state of unqualified freedom, and be governed by laws framed in all respects on the same principle as those to which his white fellow-subjects are amenable."

Of the Committee who agreed to this Report Mr. Buxton was a Member, and the Report was agreed to unanimously. It is but fair to Mr. Buxton to express my belief, that he has always been opposed to the apprenticeship, and that he has never concealed his objections to it; but he, at the same time, has distinctly admitted, that a solemn engagement has been entered into, and, after the investigation before that Committee, he consented to a Report which deprecated any violation of that engagement. But I have also the subsequent authority of Mr. Buxton in support of my view of the case, in a letter addressed by him so recently as November last, to the delegates who were then met in London for the purpose of demanding the immediate abolition of the apprenticeship. It appears, from the report of the proceedings which took place on that occasion, that the chairman informed the delegates that Mr. Josiah Forster was at the door waiting their permission to enter and read a letter which he had received from Mr. Buxton on the subject before them, and he asked whether it was their pleasure that he should be admitted for that purpose. I should have thought that, at any meeting of persons professing an interest in the welfare of the negroes, no hesitation could have been felt as to the immediate admission either of Mr. Buxton himself, or of any friend of his as the bearer of a letter from him on the subject; but it seems, that this readiness was not shown on the present occasion. A lengthy conversation appears to have taken place before permission was given to Mr. Forster to enter the meeting. It was probably anticipated that Mr. Buxton's sentiments might not be fully in accordance with the determination which they had already adopted. Mr. Forster, however, at length was suffered to appear and read the letter, with an extract from which I will trouble the House. Mr. Buxton began his letter by asserting his well-known opposition to the apprenticeship system, which induces me to attach the greater importance to the opinions which he expressed in the subsequent part of that letter. He says:—

"Having thus stated my sense of the wrongs of the negroes, I proceed to consider what steps their friends should take. I am not convinced of the propriety of making a grand effort for procuring the abolition of the apprenticeship in 1838. It seems to me an improbability of the highest order that we should succeed in such an attempt. What is our present situation? A contract sanctioned by the Legislature exists."

Mr. Buxton admits the contract in the most explicit terms. Mr. Buxton, who opposed the apprenticeship from the beginning, who moved the instruction to the Committee on the Bill in 1833, the object of which was to exclude the apprenticeship from forming any portion of the compensation contracted to be given to the proprietors, here distinctly admits the existence of the contract finally sanctioned by the Legislature, although against his own opinion, being far too honest to have recourse to any subterfuge by which the obligation of that contract could be denied. He says,

"A contract, sanctioned by the Legislature, exists. We maintain that its conditions have been violated, and that, therefore, it ought to cease.

"Upon this matter of fact we are at issue with the West Indians; and it can hardly be expected that Parliament will pronounce its verdict until our evidence has been stated in detail, and the apprentice-holders have been heard in reply. I observe that some of our excellent and zealous friends have expressed an invincible aversion to Parliamentary Committees." These gentlemen actually object to any investigation of the facts on which their own opinions have been formed. They have, as Mr. Buxton says, an invincible aversion to Parliamentary Committees, because they are there subjected to cross-examination; because their allegations are there capable of being sifted and scrutinized; and because there, evidence may be adduced to rebut some of those allegations, and a full and comprehensive view of the whole case may be presented. But, Mr. Buxton continues, "I cannot suppose that Parliament will decide so grave a question, and dissolve an existing contract of its own making, without inquiry; and an inquiry in this case implies a Parliamentary Committee. I take it then for granted, that to an investigation before Parliament we must go. * * * *

"As our case will rest on specific grievances, occurring in a vast multitude of instances, this in itself will open the doors to an indefinite and endless accumulation of evidence; in short, we shall be at the mercy of the planters, and they will have it in their power to protract the inquiry as long as they please. Let us suppose, however, that their witnesses being at hand, at the commencement of the Session of 1839, their examination shall be completed by the close of that Session. In 1840, the whole case comes before Parliament, an Act passes, and with all expedition it may reach Mauritius by the day already fixed by law for the termination of the apprenticeship.

"You will not fail to perceive, that hitherto I have contemplated a conjunction of the most favourable circumstances. I have not mentioned the House of Lords, though no Act abolishing the apprenticeship will be allowed to pass till a Committee of that House also has investigated the evidence; and this will occupy at least as much time, and be attended with at least as much difficulty, as the inquiry in the Commons.

"I have supposed that you will get Committees to investigate the question, Whether the contract has not been virtually dissolved by the misconduct of the planters? That I am persuaded you will never do. I am utterly deceived, if you will find 100 men in either House who will vote even for inquiring whether the apprenticeship ought to be abolished. With these views I venture to pronouce our failure to be certain, if we embark in the attempt to secure entire freedom to the negroes in 1838.

"The effect of such a defeat cannot but be injurious to our cause, and that in many ways. Our strength is in the support which the public is prepared to give us; without this we are nothing; and our responsibility will be great if we squander, in a fruitless attempt, that force which might be successfully employed in important operations. There are attainable points almost as vital, and quite as pressing, as the abolition of the apprenticeship in 1838."

I will not trouble the House with reading the remainder of this letter, in which the objects contemplated by Mr. Buxton, as of far more importance to the interests of the negroes, than the abridgment of the term of their apprenticeship, are fully detailed; but the whole letter will amply repay the perusal of any Gentleman who will take the trouble to read it. In the general sentiments which Mr. Buxton expresses in that letter I entirely concur. I agree altogether with him as to the inexpediency of having agitated this question; and I believe he was correct in his opinion, that Parliament will not accede to a proposition, such as that which has been submitted to it by the hon. Baronet. Mr. Buxton, indeed, I am told, has since changed this opinion; he has recently declared his belief, that the public feeling is sufficiently strong on this question to overcome all opposition, and on this ground he is said to have now united himself with those who demand the immediate abolition of the apprenticeship. But is the House to yield to this argument? Is it to agree, contrary to its own judgment, to a violation of the national faith, merely because of an external pressure created by most incorrect representations? I cannot believe, that such will be the case. I know the means which have been taken to induce hon. Gentlemen to vote in favour of the resolution. I know that they have been importuned not to listen to the arguments on both sides of the question, not to decide calmly and dispassionately after they had heard it discussed, but to pledge themselves beforehand to support a motion which had never before been brought forward in Parliament, and on which no opportunity had been afforded for argument or debate. I cannot believe, that any large portion of the Members of this House, as I have heard it confidently stated, have abandoned their functions, as members of a deliberative body, by consenting so to pledge themselves. I know the urgency with which they have been pressed by their constituents on the subject. I have myself received representations from many of those whom I have the honour to represent, stating, as they were fully entitled to do, the grounds on which they urged on me a support of the present motion. I have to-night presented a petition from them, very numerously signed, in support of this motion; but, however I may regret the difference of opinion between us on this subject, I shall not hesitate to present myself again to them with a full confidence of being able to justify my refusal to pledge myself to their view of the case on a question which never has been discussed within these walls. If I fail to convince them that the course which I have taken is the right one, I shall, I trust, be able to satisfy them that they would have been disgraced in the person of their representative, if having been sent by them to act as one of a deliberative body, and to consult for the interests of the nation, I had, without inquiry or hesitation, adopted at their bidding opinions which they honestly and sincerely entertain; but which, I believe, to have been formed on *ex-parte* statements and imperfect information.

I will now refer to another authority, which I am sure will be considered as entitled to great weight. It is a pamphlet called "Jamaica under the apprenticeship system," written so recently as January, 1838, and of which, I believe, it is well known, that Lord Sligo is the author. This pamphlet was avowedly written with a view to point out the defects in the present system, and to suggest an effectual remedy. No one could be better acquainted with the subject, or better fitted for this task, than the noble Marquis; and what were his opinions so recently as last January, on the present question? After showing the indisposition of the Colonial Legislature to attend to any recommendation for an amendment of the law; he says, "Why does the English Administration delay a moment in appealing to the Imperial Parliament, to legislate in such a manner as shall enforce the complete fulfilment of the abolition law?" Why, that is the precise course which we have adopted. We have implicitly followed the suggestion of Lord Sligo, and I have reason to know, that if an amendment of the present law is to be effected, the Bill now before the House is, in his judgment, calculated fully to accomplish that object. He proceeds to say, "The country, which, but with one opinion carried that law, would not surely hesitate to make those subordinate arrangements which the omissions in the original Act have rendered necessary." So far as the other House of Parliament is concerned, no such hesitation has been shown, and what we ask is, that this House will sanction the measure which has come down to it, and which is entirely in accordance with Lord Sligo's suggestions. But then follows this striking passage with reference to the very proposition which the House is asked to accede to by the hon. Baronet.

> "The Anti-slavery party, who find, that the law has been much abused, and that the humane intentions of the original promoters of this most benevolent measure have been defeated, cry out loudly for an immediate abolition of the apprenticeship. But it appears doubtful, if such a measure would, in the end, be advantageous to the negro. The success of immediate and total abolition in Antigua, has been quoted as an argument in its favour; but the cases are not parallel. Jamaica has thousands of acres of waste and unclaimed land, and every acre which is not actually kept in tillage, is soon covered with bush, impenetrable to all except the negroes. Into these places, where food can be procured at the least possible expenditure of labour; where, as has been proved before the House of Lords, a man

can provide a year's food for a reasonable family by twelve days' labour at his plantain ground,—where, from the heat of the climate, no more clothes are necessary than what are required by decency; where the quantity of unclaimed wood, and of the thatch palm, enables the negro to erect a comfortable hut in a few hours,—into these places will he probably retire, and there lazily pass his life, never issuing from his recess until the want of some luxuries may lead him to bring produce to market, or perhaps, if the market is overstocked, may induce him to labour for a few hours. Under these circumstances, no continued labour is to be expected from him. How is the case in Antigua? It is a small island, every acre of which is well known; in which it is said, that there exists not a single spring of fresh water, and where the provisions are all imported; where there is no resource but work, with the produce of which the negro goes to market, and purchases his daily bread. There the immediate emancipation was a wise measure; but in Jamaica, more time is required to prepare the minds of the negroes for freedom. If the colonists have not availed themselves of the opportunity, if they have not made use of the interval to get rid of the feelings engendered among the blacks by a long course of oppressions during the continuance of slavery, it is their own fault—they will suffer for it. It is to be hoped, however, that they will employ the remaining time better, and that nobler feelings will succeed those now existing."

I must say, I can scarcely go the length of the noble Marquis in his opinion of the indisposition of the negro to continuous labour, and I am inclined to hope, that he may have overstated the difficulties likely to arise in Jamaica on the expiration of the apprenticeship. This extract, however, from Lord Sligo's pamphlet, suggests a consideration, which, after all, is of the greatest importance to the decision of this question, namely, whether the immediate emancipation of the negroes throughout all the West-Indian Colonies by the Act of the British Parliament, would be conducive to the interests of the negroes themselves. If this could be clearly established, it might be necessary that the House should consider by what means the object might be accomplished without injustice to any parties concerned, and without the violation of any existing engagements. But my firm belief is, that the sudden and violent disruption of the ties which still bind the apprenticed negro to his master, would insure the termination of the apprenticeship under circumstances the most adverse and inauspicious to the interests of the negroes themselves. Let the House remember, that during the apprenticeship, they are secured in the enjoyment of their huts and provision grounds, but that they would have no legal right to them, if, without any further enactment than that which is contained in a Bill now on the table of the other House of Parliament, the apprenticeship should be abolished on the 1st of August next. Why, that Bill is not to be proceeded with until some day, not yet fixed, after the holidays. Supposing it to be taken up at an early day after Easter, and to be proceeded with as rapidly as the usual course of business will allow, it is extremely improbable that it could become law, and reach the Colonies in which it is to come into operation, until within a few days of the 1st of August, even if it should arrive there so soon. If it really was intended to confer any benefit on the negroes by that Bill, it ought to have been proceeded with at once, and without delay. The course which has been taken with it is such as only to pander to the popular delusion. But, supposing it to become law, and to arrive in the Colonies a few days before the 1st of August, let the House consider the irritation and excitement which could not fail to be produced by it, in the minds of those very persons who are accused, even under the restraints which the law now imposes on them, of a tyrannical and cruel exercise of power. What security would there be, when the legal right of the negro to his hut, and provision ground was gone, and the exclusive jurisdiction of the Special Magistrates at an end, that there would be no attempt to deprive the negroes of their homes, and in many instances to turn them loose to seek for shelter and support elsewhere, under feelings which would inevitably lead to acts of plunder or of violence? Let the House reflect on the mutual ill-feeling which would thus be engendered between the different classes of society—let it reflect on the resistance which might probably be offered under such circumstances to acts legally within the power of the planter, and which in a moment of exasperation might be recklessly and injudiciously exercised—and let it consider the effects of disturbance or insurrection;—that the tide of improvement would be rolled back—that the progressive amelioration of the condition of the negro would be checked—that the extending plans of education, and religious instruction would be impeded and suspended—and then let the House pause before it accedes to a proposition, which, while it would afford ground of complaint to the proprietor as a breach of engagement, would be most injurious to the interests of the very class of persons whom it is intended to benefit.

I know that this argument is used in a different way. The advocates of the immediate abolition of the apprenticeship tell us, with something of an air of triumph, that such will be the danger from a disappointment of the hopes which have been raised in the minds of the negroes, that we dare not refuse to comply with the demand which is made. I will not conceal my apprehension of danger from the excitement which I think has been unwisely created, and from the disappointment of hopes which ought never to have been raised. Here again I fully agree in the sentiments expressed by Mr. Buxton in a subsequent part of the same letter, from which I have already read an extract. But no share of the responsibility for this disappointment and danger rests with the Government. Our constant endeavour has been to allay excitement, and so to administer the present system as to secure its peaceful termination, under circumstances the best calculated to promote the interests of all classes, and the general welfare of society throughout the Colonies. With the advocates of the present proposition must rest the undivided responsibility for the consequences of the agitation of this question. But, although sensible of the danger, I do not despair of a prosperous issue to the great experiment now in progress. I still hope that the negroes will continue to pursue a peaceful and a quiet course, and will thus arrive at a happy termination of the intermediate state in which they have but a short time to remain before they enjoy unrestricted freedom. I trust, that the influence and authority of this House will be interposed to avert the danger with which we are threatened. I trust, that its decision will prove, that there is no intention on our part to recede from the engagements which we have contracted. If hon. Gentlemen are satisfied that a contract does exist, and that no breach of that contract has been established which could warrant us in going farther than the Bill now before us, I ask them to negative this resolution by a decisive majority, that the negroes may be made acquainted with the deliberate determination of Parliament, that suspense may give place to certainty, and that the excitement so thoughtlessly and indiscreetly raised, may not be productive of those evils which it is calculated to produce. I ask them to follow the same course with this resolution which was adopted some weeks ago, in the other House of Parliament, when a resolution, as I believe, in precisely similar terms, moved by a noble and learned Lord, was negatived; and, although a Bill has been subsequently introduced into that House, purporting to have the same object in view, I cannot believe that any serious expectation can be entertained of its being assented to. Such a measure, making no provision for the altered state of society which would follow its enactment, leaving untouched the powers of the Colonial magistracy, and affording no protection to the negroes, is one from which I can only anticipate disastrous consequences. I call on you then to reject the motion of the hon. Baronet, because I believe it to involve an act of great injustice towards many individuals, and because, so far from tending to advance, it would materially prejudice, the interests of the negro population. I call on you, on the other hand, to do justice to the negro, to compel a full performance of the contract for his benefit on the part of those who have failed in the discharge of their duty, and to afford the Government the means of giving him complete and effectual protection.

Sir, before I sit down, I would address one word to those who possess West-India property, and have, therefore, a direct interest in this subject. To them, I would say, in the terms with which Lord Sligo concludes his pamphlet:—"It would be better for the proprietor to give liberally now, while he has it in his power to give, than wait for a reaction, which, if once it takes place, will be terrible in its consequences. He would not hesitate, if he was aware of the effect of a little kindness on the mind of the poor contemned black. Little does he know how deep every act of considerate regard and kindly feeling sinks into his heart, or how it carries with it gratitude and devotion. Let him not say, 'I thank God that I am not a publican and sinner as this man is,' but let him pour wine and oil into his wounds, and make him his friend."

I know any advice of this kind is needless, as it respects many of the proprietors. They have anticipated every suggestion which I could urge on them. Several whom I could name, have already taken measures for the early liberation of their apprentices, and although they have not publicly announced their intention, have not delayed to carry it into effect. They may have felt that to liberate them simultaneously on the 1st of August, was a proceeding liable to inconvenience, but they have given directions for the unconditional grant of freedom, without delay, to those of their apprentices on whose good conduct and industry they| could rely, holding out, at the same time, to the rest, the expectation of the same boon, as an inducement to imitate the example of the former. I trust, that this system will be far more extensively acted on. But, in the mean time, I would venture to remind the great body of the proprietors, of the increased responsibility which rests on them, owing to their absence from their properties, and the necessary detegation of the management of them to persons over whom they can exercise no direct control or superintendence. Let them exert the influence which their position and their property must give them with those to whom the immediate powers of legislation in the colonies has been entrusted, and endeavour to induce them to enact such laws as are required, not only for the present temporary state of society, but for its permanent welfare after the existing system shall have expired. Let them mark the deep feeling which exists in this country on the subject, and let them anticipate the wishes of the country. Freely they have received from a nation's wealth, and of a nation's munificence, freely let them bestow on the negroes those boons which it is in their power to confer, and by so doing, they will reap a rich reward, not only in the blessing promised to those who "undo the heavy burdens, and break every yoke," but in attaching to themselves, by closer ties than any which now exist, that portion of the population whose interests are intimately connected with their own, and thus laying the foundation of a social system throughout those colonies, which is essential to their permanent prosperity, and under which the rights of all classes of the community will be defined and secured. I believe, that the adoption of the motion of the hon. Baronet, would tend to retard this desired consummation, while it would be inconsistent with the national faith, and would expose us to disgrace in the eyes of other nations, who are watching our course, and, I trust, may be induced to follow our example. On these grounds, however inadequately and insufficiently stated, I feel bound to oppose the resolution of the hon. Baronet, and to move, as an amendment to it, the order of the day for the second reading of the Slavery Abolition Act Amendment Bill.*

HOUSE OF LORDS,

Friday, March 30 1838.

MINUTES.] Bills. Read a first time:—Holding Meetings in Church Vestries.—Read a third time: Annual Indemnity.—Received the Royal assent:—Dissenters' Declaration; Custody of Insane Persons.

Petitions presented. By Lord DACRE, from Aldborough, Tring, and other places, by the Bishop of LINCOLN, from Stamford, by Lord WHARNCLIFFE, from Wesleyan Methodists in Sheffield and from Layton in Essex, by the Duke of CLEVELAND, from Stockton-upon-Tees and Plymouth, Bradford, and Redruth, by Lord LYNDHURST,

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*No. 1.

DECLARED VALUE of all EXPORTS to the BRITISH COLONIES in the WEST INDIES, and to the MAURITIUS, for Ten Years, ending 5th January, 1837.

1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.	1835.	1336.	1837.
	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Antigua .	124,397	137,135	139,966	100,515	113,186	95,623	118,259	118,568	140,563	146,455
Barbadoes .	306.681	335,841	317,684	293,292	303,255	275,335	290,530	291,063	347,762	437,066
Dominica .	39,811	33,760	27,301	16,233	29,697	22,200	29,334	28,437	26,282	57,233
Grenada .	90,883	118,917	96,345	80,036	73,722	69,066	71,720	75,301	68,894	88,313
Jamaica .	1,778,294	1,538,769	1,825,409	1,353,359	1,240,438	1,324,675	1,184,856	1,281,239	1,718,768	1,756,505
Montserrat .	9,061	10,240	8,045	8,647	7,954	7,571	3,455	7,075	8,049	4,290
Nevis .	15,827	23,673	22,909	16,404	12,433	10,245	12,251	9,661	22,379	20,688
St. Christopher	76,518	88,748	76,183	56,593	40,499	38,748	43,343	56,173	59,353	63,728
St. Lucia .	36,331	48,079	40,873	25,020	17,586	12,127	14,937	21,064	32,154	45,951
St Vincent .	107,404	403,703	98,074	80,423	69,559	66,653	67,484	87,661	80,457	111,847
Tobago . .	51,664	58,225	54,633	44,398	40,737	41,469	42,303	43,125	42,898	61,969
Tortola . .	5,487	6,518	4,989	3,560	2,085	1,101	4,335	1,588	4,420	6,873
Trinidad .	346,212	306,504	295,392	164,070	183,645	183,876	248,604	207,246	251,901	381,486
Bahamas .	43,931	33,450	41,861	43,210	18,891	25,730	44,250	49,180	35,227	55,430
Bermudas .	35,877	39,761	27,942	157,576	41,515	33,258	30,424	30,784	34,251	50,576
Demerara .	534,805	479,531	541,710	458,194	387,634	337,263	337,482	410,764	439,773	601,781
Berbice .	69,425	63,228	56,316	76,326	45,548	50,936	54,038	52,687	71,588	96,214
Honduras .	242,200	189,919	295,562	251,470	212,329	130,538	302,076	232,394	182,120	301,630
Total of the British W. Indies	3,914,808	3,616,001	9,971,144	3,129,326	2,840,715	2,726,414	2,899,781	3,004,009	3,566,839	4,288,033
Mauritius .	210,209	199,295	230,007	180,437	160,460	187,779	98,235	192,213	225,149	315,936

from Hackney, by the Marquess of **Sligo**, from Roxton, Cromer, Horsham, Gosport, Rotherham, Frome, Mansfield Woodhouse, Bradford, Ottery St. Mary, and other places, by the Earl of **Uxbridge**, the Earl of **Burlington**, and the Earl of **Radnor**, from various places, by Lord **Brougham**, from Chorley, Rochdale, Smallbridge, Littleborough, Penzance, Cockermouth, Newtown, Berwick-on-Tweed, Whitchurch, St. Just, Hythe, Lyme Regis, Roxworthy, and numerous other places, by the Earl of **Harrowby**, from Dissenting Congregations in Bury St. Edmund's, and by the Marquess of **Lansdowne**, from the inhabitants of Marlborough, for the total and immediate Abolition of Negro Apprenticeship.—By the Earl of **Harrowby**, from Merchants trading to Guiana, against the Abolition.—And by Lord **Brougham**, from several Dissenting Congregations, Cambeltown, Newburgh, Dumfries, Leith, Dumbarton, Auchtermuchty (Fifeshire), and Lanarkshire, against additional Endowments to the Church of Scotland; from St. Werburgh's, Derby, praying for the abolition of Pluralities in the Church; from the Reform Association of Macclesfield, for the Ballot and the Extension of the Suffrage; from a parish in the county of Kilkenny, for the extinction of Tithes; and from the merchants, traders, and others, of Banbury, in favour of Mr. Rowland Hill's Plan of Post-office Reform.

No. 2.

An ACCOUNT of the AMOUNT of all SUGARS IMPORTED into the UNITED KINGDOM from the Colonies and Settlements in the WEST INDIES and elsewhere, during the Three Years ending 5th January, 1834. Like Account for the Three Years ending 5th January, 1837.

Years ending 5th January.		1832.	1833.	1834.	Total.	1835.	1836.	1837.	Total.
Antigua	Cwt.	193,177	143,336	129,519	466,032	257,178	174,818	135,482	567,478
Barbadoes	"	379,052	266,465	384,971	1,030,488	394,527	344,689	373,428	1,112,644
Dominica	"	56,339	58,270	47,372	161,981	54,876	25,014	35,213	115,103
Grenada	"	185,771	188,231	204,074	578,076	194,542	170,280	156,310	521,132
Jamaica	"	1,429,093	1,431,689	1,256,991	4,117,773	1,256,253	1,148,170	1,054,042	3,459,055
Montserrat	"	26,137	20,856	15,507	62,500	26,630	16,262	12,152	55,044
Nevis	"	49,924	39,843	42,287	132,054	59,748	39,637	23,028	122,413
St. Christopher	"	101,968	80,602	80,390	262,960	105,355	86,754	64,418	256,527
St. Lucia	"	72,376	47,966	46,548	166,890	63,306	54,732	38,085	156,123
St. Vincent	"	221,662	186,812	194,889	603,363	213,016	195,057	186,482	594,555
Tobago	"	121,249	111,522	86,527	319,298	79,018	77,260	117,643	273,921
Tortola	"	15,559	14,999	14,969	45,527	21,926	13,821	13,510	49,257
Trinidad	"	327,167	312,266	286,301	925,734	339,615	289,393	312,141	941,149
Bahamas and Bermudas	"	..	1	..	1	4	..	..	4
Demerara	"	802,134	736,562	752,474	2,291,170	686,566	760,376	864,134	2,311,076
Berbice	"	122,088	134,036	101,736	357,860	90,699	126,485	213,714	430,898
Nova Scotia (Produce of British Plantations)	"	..	11,890	11,053	22,943	981	597	1	1,579
New Brunswick	"	..	2	..	2	..	..	..	..
Canada	"	1	1	2	4	3	13	8	24
Newfoundland	"	46		2	48	..	..	..	..
Mauritius	"	516,077	527,904	524,018	1,567,999	553,890	558,237	497,302	1,609,429
Cape of Good Hope (Produce of Mauritius)	"	177	8,744	5,334	14,255	1,923	..	1	1,924
		4,619,997	4,321,997	4,184,964	13,126,958	4,400,056	4.082,185	4,097,094	12,579,335

CHURCH OF SCOTLAND.] The Earl of *Aberdeen*, in moving, pursuant to notice, for certain returns relative to the Church of Scotland, said, that he had occasion, more than once, to call the attention of the House, and to urge upon the notice of her Majesty's Government, the state of the church of Scotland, and the inability of its ministers, as at present situated, to meet and contend with the very great extent of spiritual destitution and the absence of all religious instruction which prevailed in many parts of that portion of her Majesty's dominions. He only referred to the subject now, in consequence of the new character the question had assumed, both from the reports upon the subject which had been laid upon the table by the Commissioners of Inquiry, and from the declaration which had been

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No. 3.

An ACCOUNT of the AMOUNT of all SUGARS imported into the UNITED KINGDOM from the Colonies and Settlements in the WEST INDIES and elsewhere, in the Year ending 5th January, 1838.

British Colonies and Settlements.	Year ending 5th Jan. 1838.
	Cwts.
Antigua	62,170
Barbadoes	445,713
Dominica	33,724
Grenada	161,922
Jamaica	903,634
Montserrat	5,695
Nevis	21,324
St. Christopher	73,270
St. Lucia	51,430
St. Vincent	201,062
Tobago	90,803
Tortola	13,534
Trinidad	295,367
Demerara	792,892
Berbice	150,536
Nova Scotia (Produce of British Plantations)	1,646
New Brunswick (ditto)	1
Canada (ditto)	5
Newfoundland (ditto)	184
Mauritius	537,457
New South Wales (Produce of Mauritius)	506
	3,842,835

made by his noble Friend at the head of her Majesty's Government of the plan which it was intended by the Government to pursue in dealing with this most important subject. The plan which had been detailed by his noble Friend, he took to be briefly this—first, to refuse any assistance to the cities of Edinburgh and Glasgow, the state of which had been described in the reports, in order to give the means to those places to afford religious instruction, which had been shown to be there so much required, and also by a parity of reasoning, or some other process, his noble Friend had arrived at the conclusion to apply the same determination to all other great towns. Secondly, his noble Friend was prepared to apply the fund which had been taken from the hereditary revenues of the Crown, and lately added to the consolidated fund, and which had been known as bishops' rents and teinds, and to apply that fund to the endowment of churches in certain highland and rural districts, in which teinds still actually existed; and lastly, to repeal or amend the act passed in the reign of Queen Anne, at the time of the union, by which tithes were passed to lay proprietors, with a view to facilitate the erection of churches in those parishes in which tithes did not exist at the present moment. He had some observations to make on the different parts of this plan, but he would first entreat the House to believe, that this question had not lost any of the interest which it always had possessed in Scotland; he assured their Lordships, that not only had he never known anything like the interests which existed on this subject, but he verily believed, that never had any question of domestic policy so much agitated the people of Scotland since the union of the two kingdoms. The interest had been evinced by the numerous petitions on this subject which had been transmitted to both Houses of Parliament; indeed, he believed there was not a single parish in that country which had not approached Parliament by petition, and if of late those petitions had not been sent, it was owing entirely to the confident hope which had been entertained by the people in consequence of the appointment of the commission of inquiry, and the promises given at the time of the appointment that the Government would grant a considerable endowment. He was aware, that a very considerable number of petitions had been also presented from the Dissenting bodies of Scotland against any measure of this kind, and particularly, that, of late, increased activity had

No. 4.

RETURN of the NUMBER and EFFECT of the RETURNS of PUNISHMENTS received by the Governor of BRITISH GUIANA from the SPECIAL MAGISTRATES, from the 1st June 1836 to 31st May 1837.

Colony.	Date.	Total number of Apprentices throughout the Government.	Total Number of Punishments inflicted under the authority of Special Magistrates throughout the same.	Proportion per cent. of Punishment to Apprentices.	Total Number of Males Punished.		Total Number of Females Punished.	The Average Number of Stripes inflicted in cases of Punishment by Whipping.	The Maximum Number of Stripes inflicted in any one case of Punishment by Whipping.	The Maximum of Severity in any one case of Punishment by Confinement.	The Maximum of Severity in any other Mode of Punishment.
					By Whipping.	Otherwise than by Whipping.					
BRITISH GUIANA:	1836:										
	June	71,842	805	1 & 1 8th	40	351	414	23	39	3 months	6 weeks' hard labour.
	July	72,501	879	1 & 1 5th	46	386	447	24	39	3 months	3 months' hard labour.
	August	*69,620	895	1 & 1 4th	44	367	484	23	39	2 months	3 months' hard labour.
	September..	*68,609	818	1 & 1 6th	50	368	400	23	39	3 months	3 months' hard labour.
	October....	*68,536	539	3 4ths	31	260	248	22	39	3 months	2 months' hard labour.
	November..	72,197	590	6 8ths	19	272	299	25	39	3 months	3 months' hard labour on treadmill.
	December..	71,209	478	5 8ths	21	233	224	27	39	4 months	2 months' hard labour on treadmill.
	1837:										
	January ..	68,456	487	6 7ths	15	239	233	23	39	2 months	3 months' hard labour on treadmill.
	February ..	71,076	543	3 4ths	4	247	292	26	30	2 months	1 month's hard labour on treadmill
	March	71,425	555	3 4ths	2	266	287	20	20	3 months	1 month's hard labour on treadmill.
	April......	71,151	489	5 8ths	3	206	280	21	30	1 month	1 month's hard labour on treadmill.
	May	†56,984	315	5 9ths	2	155	158	27	30	2 months	6 weeks' hard labour on treadmill.

* The Return of one Special Magistrate wanting in consequence of his illness.

† The Returns of three Special Magistrates wanting.

taken place amongst the Seceders from the church of Scotland on this subject. He admitted also, that he was at a loss to conceive the cause of the zeal and activity shown by the Dissenters in their opposition: for the Seceders were, in fact, united in doctrine with the Church, and the difference between them was scarcely perceptible. He could understand, that the Seceders might be of opinion, that religion was best propagated by the voluntary exertions of those who professed it, and that they conscientiously refused any endowments in the case; but he could not equally understand why they, labourers in the same vineyard as the church, should object to the church pursuing the other course—a course which the church thought most likely to lead to the attainment of the object which both had in view. They were both endeavouring to bring the sheep into the same fold, and the Dissenters must entertain the greatest anxiety for the success of the church in its endeavours to reclaim the objects of religious destitution, although they might not think the mode pursued by the church the best calculated to attain those results. But as his noble Friend had determined not to grant aid where it was most required, but where the Dissenters were most numerous, it would appear, that while his noble Friend respected the secular interest of the Dissenters, yet he set at nought their conscientious scruples, for he admitted the principle, of the state affording the relief required. If his noble Friend were not prepared to change his whole course, it was his duty to afford the Established Church such means as were proved to be indispensably necessary for the due exercise of those functions with which it was invested for the good of the whole country. His noble Friend had always maintained that he was anxious to uphold and promote the utility of the Established Church, but he grieved to say, the performances of her Majesty's Government had not been always in conformity with those professions. Whence was it that this lamentable contrast between the conduct and professions of his noble Friend arose? Whence was it, that he, whose personal character was open, frank, and honourable, should, in his policy, at once become indirect, tortuous, and shuffling. This could only arise from the pressure of that influence against which he did not doubt his noble Friend had struggled, but struggled in vain. It arose from that unfortunate position in which his noble Friend was placed: willing and desirous, as he believed his noble Friend to be, to uphold and maintain the great institutions of the country, he found himself compelled, for his own support, to have recourse to those persons who were leagued together for the destruction of those institutions. He thought a short narrative of the case now before their Lordships would prove the correctness of the course he should recommend. In consequence of a great increase in the population of Scotland, and especially in the great cities and towns, it became manifest that it was impossible for the religious establishments in that country to afford the necessary means of instruction to a great part of the population. But, notwithstanding this had become evident, great exertions had been made by the Established Church, and in the course of the last three or four years, he believed, that not much less than 200,000*l.* had been subscribed for the purpose of building churches; and he further believed, that now not less than 170 churches were built or in progress of building, with a view to meet this great want, and it was to obtain a moderate endowment for those churches that the members of the Church of Scotland now came to Parliament for assistance. He should state, that application had been made first to his late Majesty's Government in 1834, and that application had been so favourably received, that he remembered two or three noble Lords got up in their places and in exuberant joy expressed their gratitude. Being late in the Session, however, nothing was done on that occasion. In 1835, a commission was appointed to inquire and report on this subject; and although such a commission was considered unnecessary, because all the facts of the case were notorious already, no opposition was made to its appointment. It was inferred, however, that this proceeding would lead to considerable delay, and it was therefore urged that the Commissioners should prosecute the inquiry with all possible speed; accordingly, it was arranged that the periodical reports should be presented, and that Parliament should act from time to time on those reports. The terms of the resolution passed in the House of Commons were, "that the Commissioners should report from time to time, in order that such remedies should be applied to any existing evils as Parliament might think fit." The Secretary of State, in addressing a letter of instruction to the noble Lord opposite, the First Lord of the Admiralty, expressed a hope that the labours of the Commissioners would be closed in about six months, and therefore the people and the Church of Scotland naturally were tranquillised with that hope. But no report was made until the beginning of the year 1837, when the first report, containing the state of Edinburgh, was made. A second report was presented at the commencement of the present Session relating to Glasgow. The number of persons in Edinburgh, taking into account all the exertions of all the Dissenters put together, and every means of religious instruction at present in existence, in a state of spiritual destitution was not less than 45,000, out of a population of about 190,000; and in Glasgow the number was about 65,000, out of 213,000. In pressing this matter on the attention of her Majesty's Government, he would observe, that he did not propose to interfere with the exertions of the Dissenters in respect to religious education; by no means. Yet he was one of those who perhaps might think it would not only be justifiable but right for the State to endeavour to reclaim those who were now necessarily subject to be led away from the Established Church by the absolute want of any means of providing them any other religious instruction. But that was not intended nor proposed; all that he said was, that those persons who were left without any instruction from any quarter whatever, no funds being in possession of the Church to enable her to provide it—it was the duty of Parliament to come forward to aid the Church in affording that instruction. He knew that it had been said, that notwithstanding the deficiency of means existing in Edinburgh and Glasgow, there were still many sittings in the churches unlet, and he recollected that his noble Friend opposite had said on a former occasion that he did not well understand how people, if they wanted to go to church, could not find their way to church. The misfortune was, that they did not want to go to church. That was the evil. But if they did want to go, they could not afford it, because the sittings were to be paid for, and to obtain them they had not the means. Let not his noble Friend imagine that the church had anything to do with letting those sittings, for both in Edinburgh and Glasgow they were let by the magistrates, and formed part of what was called the common good, the annual revenue of the borough. The ministers of the church, therefore, had no control whatever over the means of admitting the poorer classes to sittings in the churches. But it had been said, that those sittings were not occupied; that was not the case, for, in point of fact, they were occupied by persons who did not pay for them, but who sat in them on sufferance; therefore they were occupied, although returned as unlet; and, not being paid for, they, of course, were not reckoned as forming any part of the revenue of the church. The churches so let were really only a part of what was called the voluntary system. Those churches did not provide instruction for the poor. It was possible for a popular preacher to fill a large church with persons attracted by the manner in which he performed his duties, while the surrounding neighbourhood remained in a state of most deplorable ignorance. That evil could be corrected only by the erection of parish churches. The advantage of the territorial system of the Established Church over the congregational system was this—that the minister went out and compelled the poor to come in, and his powers were employed for the good of the people; and it was only according to that system, which had been so eminently successful in Scotland, that they could ever hope to see the wants of the people supplied. The other mode of building a church for the accommodation of those who could afford to frequent it, never would, and never could, supply the wants of the poorer classes. It was remarkable, that in two populous parishes in Glasgow, the attendance was exactly in proportion to the poverty of the people; as the poverty of the inhabitants increased, so did their attendance on the churches diminish. In one parish, it appeared that the attendance of the renters of houses rated at 20*l.* and upwards, was 76½ per cent.; while that of persons living in houses rated at below 5*l.* the attendance was only 9½ per cent. In the other parish, the 20*l.* houses gave 62 per cent., and the 5*l.* houses only 11½ per cent. So it was throughout all the parishes, and so it must necessarily be, for not having the power, people very soon ceased to have the will to go to church; and vice, crime, and ignorance were perpetuated among them. It might appear paradoxical, but a church might even exist in a large and populous parish, and not be filled, and yet that would be no reason for not erecting a church, and apportioning a district for that purpose, because at present the great extent of population put it quite out of the power of any minister to meet the wants of that extensive population. This was not a mere matter of speculation, but, in point of fact, it had really taken place. In Glasgow, four new churches were built in the year 1834; two of them were quite filled with hearers, and the other two were attended by large congregations, while the old city churches, in the same parishes, so far from falling off in the number of their attendants, had a very considerable increase. This was proved by the amount of the seat-rents collected in the old churches. There was an actual increase in that amount of 117*l.* a-year, the revenue of those churches being at the same time the test of the number of their attendants. So, then, both the old and the new churches were filled by this distribution and separation of the extensive district in which the new churches were erected. Undoubtedly, the mere building of churches would be of little use, no more than building so many mosques, unless ministers were allotted to them; for the whole essence of the system upon which the church of Scotland looked for success was, that district or parochial system of allotting a reasonable extent of population to the efforts of one individual minister. In addition to the churches which had of late been built, as he had already mentioned, there were sixty-three which were formerly chapels of ease, but to which districts, had been allotted, and they were now, to all intents and purposes, parish churches. Great exertions had been made to erect those churches, on the faith that endowments would be granted by Parliament, in consequence of the absolute necessity of the case. He thought that the Government might be considered as pledged to the fulfilment of that hope, and that such would be the opinion of any one who looked at the manner in which the commission was appointed, at the declarations which were made at the time, and at the result of the inquiry, which had been laid on the table of their Lordships' House. He could not comprehend what reason could be assigned, having in view the promises made at the time of the appointment of the commission, for not complying with the terms of the report, and supplying the wants which had been proved to exist. His noble Friend had declared, that he was ready to act; he was ready to grant aid to distant parishes of which no report had been made, and of which their Lordships knew nothing officially. They might be parishes of great extent, but certainly not of great population, to which his noble Friend would give his aid, but not to those towns where the destitution was enormous, as stated to be in those large volumes now lying on the table of the House, and presenting a picture that loudly called upon their Lordships to interfere. For these destitute towns his noble Friend said, he was determined to do nothing. He could not conceive how his noble Friend was prepared to stultify himself and the Government, by taking such a course. If the declarations formerly made were good for anything, surely the time was come, when his noble Friend ought to be prepared to act on the reports of the Commissioners; and while he professed a desire to extend this aid to the Highland parishes, would he only recollect that in one of those reports, there was an account of the destitute Highland population in Glasgow, more deplorable than anything that could be found in Argyle, Inverness, or any other of the Highland counties. In Glasgow there were not less than 11,000 adult labourers, with whom it was necessary to communicate in their own language, in order to convey Christianity to them, who were destitute of religious instruction, and quite out of all reach of the Dissenters, but anxious and willing to receive religious instruction. The reports of the Commissioners before Parliament had made out a case so strong, that if they intended to proceed in honesty and good faith to do anything at all, in order to relieve the existing religious wants of the people, he thought it was impossible that they could do otherwise than meet the whole case. Was it really the intention of her Majesty's Government to leave this mass of ignorance and vice, and consequently of increasing crime, without proposing any means of relief? No. He could not doubt that the interests of the Church of Scotland, and with it the interests of religion, good order, morality, and the peace and prosperity of society generally, would have their just claims well considered, and properly attended to. The increase of crime in Scotland had been mainly owing to the want of means in the established Church, to afford instruction to the poor. Even as a measure of economy, he recommended the noble Lord to extend his aid to the crowded populations of the large towns. In the course of the last thirty years, there had been a vast increase of crime; for thirty years ago the whole expense of public prosecutions did not amount to more than 5,000*l.* It now exceeded 30,000*l.*, and that increase of crime was entirely owing to the absence of that instruction to which the people had right. Some years ago he had heard Lord Liverpool declare, in rather colloquial, but emphatic terms, that he considered Scotland to be the best-conditioned country on the face of the earth. He regretted to say, that his country was fast losing that superiority in point of good conduct and morals which it had formerly possessed. But if the poor were to be left crowded together in destitution of religious instruction, nothing but ignorance and crime could prevail. He would not object to the proposal of his noble Friend as to the relief he intended to give the highland parishes, nor to his taking it from the fund which he had mentioned. He would not now enter into the inquiry as to the Bishop's rents and tithes. He looked at them as belonging to the hereditary revenue, and as now being part of the Consolidated Fund. But, he thought, the state was bound to come to the aid of the church where a case was made out, and find the means of providing religious instruction from any fund, be it what it might. Although, therefore, he had no objection to the application of this fund, yet he would not admit the doctrine that the religious wants of the people ought to be considered in proportion to the amount of such funds. If the fund, as it existed, afforded any facility to his noble Friend he was glad of it, but he protested against the necessary connexion between the amount of this fund and the people's wants. Neither did he wish to enter at any great length into the third part of the noble Viscount's scheme,—namely, that of altering the act of 1707, by which tithes were held by lay impropriators. A noble and learned Lord, who had left the House, had characterised that measure as an act of spoliation, and in truth it was nothing else, both with respect to the landowners and the church. The former had held their property from the passing of the act down to the present time, subject to known and fixed charges regulated by Act of Parliament. The clergy had fixed claims upon those teinds, and could periodically demand an increase of stipend to be paid out of them by the proprietors. In virtue of the Act of Parliament, in the course of every twenty years, the parochial ministers of Scotland might apply to the Court of Session for an augmentation of their livings, and that court had the power of making such addition as it might see proper, or it might refuse any increase; but, subject to that claim, once in every twenty years the tithes were the abolute property of the proprietors. If, then, the Government took possession of that fund to which alone the clergy of Scotland could come for any necessary increase to their livings, the Government would be guilty of an act of spoliation not only as regarded the lay proprietors of tithe, but in regard also to the clergy of the Established Church. The plan proposed by the Government could be considered in no other light than as a measure of spoliation, for if it were carried into effect, the rights of the clergy upon the only fund from which they could obtain any augmentation of their livings which circumstances might render absolutely necessary, would be absorbed. He was, however, less disposed to detain their Lordships on this part of the subject, because he had strong hopes that the noble Viscount at the head of her Majesty's Government would yet receive some fresh light on the subject from persons in Scotland who were not opposed to his Administration, but friendly to its general policy. He could not allow himself to think that the noble Viscount would persevere in carrying into execution a project, which, in his estimation, was directly at variance with the promises given when the Commission was first established; he was sure the noble Viscount could not act in a manner so opposite to good faith. The suggestion of such a course had, indeed, taken all parties by surprise. When the Commission was first appointed, he thought the terms in which its authority was couched looked something like as if an interference with property was contemplated by its framers, property which was not, and ought not, to have been subject to any such control; and he had, at the time, urged the point upon the attention of their Lordships. But the Government had taken some steps to allay the apprehension which the terms of the Commission had excited, and Lord J. Russell, in a letter to the noble Earl (Minto), who was the nominal head of the

Commissioners, adverted in very explicit terms to the fears which had been roused that private property was to be interfered with. In that letter, Lord J. Russell said there was another misapprehension as to the objects of the Commission. It was feared, that the Commissioners might interfere with private property; and he enjoined the noble Earl, at the head of the Commission, to guard against any such misapprehension, as it was not the intention of the Government to interfere with any of those rights secured to individuals by any Act of the Parliament of Scotland; and he further desired the noble Earl to ascertain what property remained in Scotland which could be applied to the extension of the means of spiritual instruction consistently with the existing statutes. That letter tranquillized the minds of the people of Scotland; but last year, the noble Viscount opposite threw out a suggestion, that the tithes might be appropriated for additional endowments to the church, and to that suggestion he (the Earl of Aberdeen) adverted at the time, and the report of his observations was the cause of great excitement in Scotland, and the discussion on the subject was noticed in the assembly of the church. He would just mention to their Lordships some observations of a learned Member of the Assembly, friendly to the Government of the noble Viscount, in regard to the suggestion thrown out by the noble Viscount. The learned gentleman observed, that he had a very clear opinion on the subject of the suggestion thrown out by the noble Viscount. Settled as the teinds were, he continued, he considered it neither politic nor just to appropriate them in the manner proposed, as an Act of Parliament had been passed preventing their appropriation in any way without the consent of the proprietors, and he considered any appropriation of those teinds inconsistent with the statutes as a direct violation of private property. The learned gentleman further observed, that when the matter had been properly represented to the Government, he was sure they would not persevere in the course proposed, as he was convinced that nothing would tend more to defeat the object in view, than throwing such an apple of discord between the proprietors and the clergy of Scotland. A learned and most respected judge, whose opinion was of the highest importance, and entitled to every consideration, expressed similar sentiments on the subject. Was it, then, as an apple of discord between the landlords and the church that the noble Viscount had thrown out the suggestion to which he had alluded? He trusted not; yet he could hardly help believing that the learned gentleman, whose opinions he had stated to their Lordships, was far off in his reckoning. If the plan of the noble Viscount was persisted in, then he would advise the lay proprietors of England to look to themselves, for if the statutes to which he had alluded were to be set aside, then no description of ecclesiastical property could be safe. The noble Viscount would yet receive from Scotland from several of the most influential persons in that country remonstrances against the plan he had proposed, and he trusted that those remonstrances would induce the noble Viscount to reconsider the subject. As a humble advocate of the church of Scotland, he was confident he might safely appeal on this occasion to the right rev. bench. The church of Scotland was grateful to the right rev. Prelates of England for the support she had already received from them. All feelings of hostility, if ever they existed, between the two churches, had long since entirely passed away, and it was wisdom for both to look to each other for support against those enemies who were striving equally to injure and destroy both. The question now was, "Church or no Church;" and he was sure he was guilty of no exaggeration when he said, that the Church of Scotland looked with grateful confidence for support and assistance on the present occasion to the Church of England. The noble Earl opposite (Earl Minto) had said, on a former occasion, that he believed himself to be the only Member of the Church of Scotland in their Lordships' House. The noble Earl was mistaken. He professed himself a Member of the Church of Scotland, and had held office in her courts; but while he proudly made this acknowledgment, he did so with the greatest respect for the Church of England It had not been from any examination of the doctrines of the Church of England, or from any doubts as to those doctrines, that he remained a Member of the Church of Scotland, but believing the Church of Scotland to be the true Church, and that it was admirably adapted to secure peace, order, and a high state of morality amongst the people, he had seen no cause to abandon the Church of his fathers and of his country. But he made these observations with the greatest respect for the Church of England. It was impossible for him to entertain any other feelings than those of the most profound respect for the Church of England, honoured as he had been for thirty years of his life with the friendship of the most rev. Prelate opposite, the head of that Church. Of that most rev. Prelate he would say no more in his presence, than that even in this age he had escaped from even the breath of calumny. It grieved him to think that this important question should have assumed anything of a party character. It might be unavoidable; but he could most sincerely say, that in Scotland the question was not so considered by the people; the Church of Scotland had never considered it as a party question, and those humble and pious men, the ministers of that Church, with whom he was in communication, had not a shadow of party feeling on the subject. They only looked to the support and extension of that establishment, of the importance of which they were so deeply sensible. He thought, too, that those pious men would do him the justice to say, that he had never in his communications with them considered the subject as a party question. He had always entreated them to rely on her Majesty's Government, and especially on the noble Viscount—he had bidden them to hope against hope; and he still trusted that a beneficial settlement of the question would yet be effected—beneficial for all parties concerned. The notice he had to propose would prove the sincerity of his language. Feeling deeply on the subject, he might have proposed a resolution for an immediate provision being made to meet the spiritual wants of the people of Scotland; but the prospect of putting the Government in direct hostility to the Church of Scotland was a course which he so much deprecated, that he felt compelled to abstain from moving any such resolution at present. He, therefore, should only move for a return, showing the expense of the Commission from its commencement up to the present time. Their Lordships would recollect that the Commission was appointed in July, 1835, and up to last year the expenses had amounted to 20,000*l.*, and if it went on at the same rate, they would amount in this year to not less than 30,000*l.* He thought it right, when Government treated, by a proposal which was mere derision, the wants of the people of Scotland almost with indifference, that the people of that country should know what sum a few hungry lawyers could devour. If no result was to arise from the Commission more than what had been proposed—if the expense was to be the only result of its investigations, he knew not how he could characterise it but as a gigantic job. The noble Earl concluded by moving for a return, showing the expense of the Commission from its commencement up to the present time.

Viscount *Melbourne* said, that although the noble Earl had given up the motion which he had at first entertained as to the proper terms of his motion—although he had abandoned his idea of moving a general resolution upon the subject, he thought that, considering the nature of the subject—considering the avowed object of the noble Earl's motion—and considering what would be the object of such a general motion, the application for a grant of money from the public funds—the noble Earl had wisely abstained from making a general motion; and although the motion with which he had concluded would lead to no practical result, yet he had nothing but gratitude to offer to the noble Earl for having brought the subject under the consideration of the House. It was a great advantage to her Majesty's Government to know what were the sentiments of the noble Earl, what were the opinions which he entertained, what was the object he had in view, and what was the course he intended to pursue; and he returned his thanks to the noble Lord that he had brought the question before their Lordships, although the speech with which he had introduced it had little to do with the resolution with which he had concluded, and which related to a point of public economy. In the latter end of his speech the noble Earl repudiated the notion that any party feeling or any political violence had been introduced or intermixed with this question, and disclaimed such a feeling both on the part of himself and of the Church of Scotland; but he must say, that this disavowal was not in keeping with the commencement of the noble Earl's own speech, in which he stated that the Government had been driven so contrary to his (Lord Melbourne's) wishes, and to what the noble Earl was pleased to say in so complimentary a manner his usual character, by the pressure from without, and that they had brought forward this measure for the purpose of gratifying a political party to preserve a political influence in the country. It was very well also for the noble Earl to disclaim the participation in political feelings on this subject by the Church of Scotland; but he had been very much misinformed of the state of this question in that country if such were the case. Was it not known on both sides of the House that this formed a considerable topic in the election discussions in that country; and had their Lordships themselves received no ambiguous hints upon the question? He must say, that, in his opinion, the noble Lord had better have abstained from making such remarks; for if noble Lords opposite made charges against others of being forced by a pressure from without, they could, with ease, have such charges retorted on them. For himself, however, he would willingly dismiss such topics altogether: he had not brought them forward on the present occasion, and he insisted that they should not go further. The noble Earl had accurately detailed the course which her Majesty's Government meant to pursue, and which, after consideration, they had adopted, and, as he thought, upon the whole, wisely and prudently adopted. Upon the first and third point, relating to the bishop's teinds, and the reconsideration of the Act of 1707, with the view of rendering it more effectual for the purposes for which it was enacted, his noble Friend had been comparatively silent, and he had confined himself principally to the reports which had been made with respect to Edinburgh and Glasgow, and the determination which the Government had stated not to grant any immediate relief or assistance to the chief towns. With respect to the question as to the statements in the report, the noble Earl had overrated the quantity of destitution which existed. Taking into consideration the church sittings, the chapel sittings, and the number in the Dissenting places of worship, the proportion was rather more than forty-four per cent. to the amount of the whole population, and afforded as much as was necessary for the usual proportion who could attend divine worship. With respect also to Glasgow, the amount of deficiency was not very great. Let them look how the matter stood. In the first place, there must be no free sittings. The ministers of the Church did not like them; the congregation did not like them. They were contrary to the feelings, the habits, and the prejudices of those who wanted seats in the churches. It was considered a degradation. The ministers did not like them for a reason of which he certainly did not approve, because it savoured of a desire to obtain an exclusive control over their congregation, tending to introduce a spiritual influence into the bosom of families. It might be a very good thing, but it might be carried a great deal too far. The ministers again did not like free sittings, because it made their congregations uncertain; their churches were filled with one set of people one day and with a different set on another. The ministers liked a certain congregation over whom they might have influence. But, whatever might be the reason, it was admitted on all hands that free sittings could not be had. If free sittings were admitted, then it might be fairly argued that Government was bound to provide them for everybody. But there was no ground for such an argument when it was proved that no persons would occupy those sittings. The noble Earl admitted that, to a certain extent, the unlet sittings were not necessarily unoccupied. That, to a certain degree, militated against the argument of the noble Earl, because it diminished the evils of the want of accommodation. But it was said, "Money is wanted, not to build new churches—that would be unnecessary until the present churches were filled—but in order to endow the ministers, that they may be able to let the seats more cheaply." The ministers said, "We have got persons in our parishes who cannot take seats, and we must diminish the price in order to induce the people to take them." He confessed that to him a result of that description appeared to be very uncertain. The greatest proportion of unlet sittings was among those that were let at the lowest rate, and he doubted whether further endowments would have the effect expected by the noble Earl. But there was another point, with respect to the claim made on behalf of these great towns for assistance, which alarmed him considerably, and which induced him to pause before he embarked in a course the end of which he could not foresee, and of which he could not foretel the consequences. His noble Friend said, "You won't give assistance to Edinburgh or to Glasgow, and by parity of reasoning you will not give it to Aberdeen, Dundee, Paisley, and the other great towns of Scotland? Now, the Commissioners had gone through two of the great towns of Scotland (Glasgow and Edinburgh), and there had been shown, according to the noble Earl, a great amount of religious destitution. Did their Lordships know the amount of destitution of religious instruction in the city of London and Westminster? It appeared by the first report of the Ecclesiastical Commissioners, that in thirty-four parishes in London and Westminster, containing a population of 1,137,000, there was only church accommodation for 101,682. He, therefore, apprehended that the amount of destitution of religious instruction, and of the means of attending religious worship, were infinitely greater in this metropolis than in any part of Scotland. Nay, the two cases were not to be compared or named in the same day. What did their Lordships suppose would be the case with the other great towns in England and Scotland, into whose condition they must necessarily enter, if they once suffered a grant to be made in this instance from the general resources of the country, instead of from the appropriate funds of the church itself, to which—and he viewed it with wonder and astonishment—the friends of the Church of Scotland clung with wonderful tenacity. "Let us," said they, "have it from the consolidated fund, not from the bishops' teinds; we would rather not have it from that; but let us once get our hands into the pockets of the people of the country, and we shall have ample means without diminishing our own resources." Now, there were, as their Lordships well knew, many great and benevolent objects which they all had in view, and were all anxious, if possible, to accomplish. There were many evils to remedy, many nuisances to be done away, many advantages to be gained by a liberal expenditure; but for which they knew they must not appeal to the power and resources of the country. They must consider what was proper and what was possible to be done. If they were to be required to provide for the general education of the people, for a system of prison discipline, and for every sort of purpose that might be devised for the benefit of the country, while, on the other hand, no retrenchment was to be for a moment admitted, how, he would ask, could such a magnitude of claims on the public be met? All was to be expense—all was to be demand on the public; while, at the same time, there was the greatest possible unwillingness to admit anything like retrenchment. He apprehended that if he were to propose any addition to the public burdens for these various purposes, and especially to meet the claim on the part of the Church of Scotland, it would not be looked upon with any particular favour, or submitted to with very great patience. Their Lordships well knew that the affairs of a country must be conducted upon the same principles as those of a private man. Doubtless there were many things very desirable to be obtained and done by a man in his private affairs; but he knew well that if he borrowed money for the purpose of effecting those changes and improvements which he desired, it might not turn out so profitable as he expected, or, at all events, not in sufficient time to prevent his entire ruin. It was something like this in the affairs of a country. It behoved them to consider not only what ought to be done, not only what it was wise and expedient to do, but what it was possible to do. And among those objects which it was desirable to effect, they must look to those first which were most immediate and most necessary for the public benefit and advantage. When, too, he looked at the amount of the expense which such grants as that now called for necessarily must induce, he was unwilling, he was unprepared, at present, to propose it, or at any time, without much further consideration of the subject, and clearly seeing to what it would lead. The noble Earl had said, that he had no objection to take the bishops' teinds, but he held that the church had a claim upon the state to the amount which it might require. He was ready to give the bishops' tiends, but he did most distinctly and decisively, whatever might be the consequence, deny the claim of the church upon the state for whatever the church might require. Whatever could be done should certainly be done with prudence and wisdom. It was a great, useful, and salutary object, but, at the same time, he thought there was a disposition to pursue that object with great recklessness, with great imprudence, and in a manner they would find to be most dangerous and destructive. It was wise and prudent (now that their Lordships were wishing to effect precisely the same objects that were intended to be effected by the Act of 1707), to look back to that Act, and consider whether, consistently with the original intention of the Legislature, its machinery might not be found more efficient for effecting the great object which they were all desirous, if possible, should be effected, and which it was the intention and object of all their Lordships to effect, than any which could be suggested. This, it appeared to him, was the natural, the wise, and the prudent course they were bound to pursue. Unquestionably if it could be effected, everybody would agree, that it ought to be done from the resources of the Church of Scotland itself; everybody would agree, that the religious wants of Scotland should be provided for by Scotland itself. It was better, much more wise, much more prudent, that this should be, than that they should rashly and imprudently plunge themselves into a course by which a great charge and burden would be imposed on the country for providing church accommodation, which would, no doubt, begin small at first, but would necessarily increase, and become a most onerous impost on the general resources of the country.

The Archbishop of *Canterbury* had heard, with considerable disappointment and surprise, the answer of the noble Viscount to the clear, able, and convincing statement that had been made by his noble Friend, the Earl of Aberdeen. He had hoped, that an impartial perusal of those luminous reports on the state of church-accommodation in Edinburgh and Glasgow, would have convinced any one that there were large masses of the people in those towns who had no advantages whatever of religious instruction or pastoral superintendence; and that the perusal of the evidence would have shown the necessity of Government proceeding upon the plan which it appeared they had originally laid down, that of relieving the crying wants of those cities. If such were not the intention of the Government, what could be the object of issuing a commission to learn what those wants were? "Let us," said the Government, "first know what are these wants." What was the inference? Why, that having ascertained what they were, Government would relieve them. The Commission had pursued its duty most assiduously. He never read any document that went more minutely into the subject upon which it was commissioned to report. The noble Viscount, in the first place, proceeded upon the ground that the facts were not clear with respect to religious destitution. It appeared from the reports that the upper classes in Edinburgh and Glasgow, who could afford to pay for seats, were amply provided with church room; but that with respect to the poorer classes, the case was quite different. It appeared that in some of the large parishes the churches and chapels collected congregations from various parts of the town, while there was great want of religious instruction for the poorer classes of those parishes. This was a vicious system, and was condemned as vicious by the clergymen of the Church of Scotland who had given evidence on the subject. What the clergy called for was not congregational instruction, but territorial, or what in England we should call parochial instruction; that each minister should have his church supplied by a congregation from his own parish, so that he might be brought into connection with his own parishioners, in order that a proper feeling might be maintained between pastor and flock. What was meant by the happy expression which fell from his noble Friend, the Earl of Aberdeen, that the ministers ought to be enabled "to compel them to come in?" It meant that they might admonish their parishioners with respect to their habits of intemperance and idleness, and prevail on them by force of persuasion to attend the religious ordinances of the church. However, this topic had somewhat led him astray from the speech of the noble Viscount. The noble Viscount having first of all denied the existence of the want of church-accommodation, he then proceeded to state the grounds upon which he refused to supply it. He said, "There will be no end to this. If we supply the wants of Edinburgh and of Glasgow, we shall have Dundee and other populous places in Scotland to supply; and not only that, but we shall have the Church of England upon us also." Instead of answering the speech of the noble Earl, the noble Viscount turned aside to the state of religious destitution in England, which, in his (the Archbishop of Canterbury's) opinion, had very little connection with the Church of Scotland.

But, said the noble Viscount, "we shall have both these churches coming upon the Consolidated fund." The consolidated fund! Why, that was a measure which the Church of England deprecated above all things. Of all the proposals made for the improvement of the Church of England, there was none, and the noble Viscount knew it, more deprecated than that of its being placed upon the Consolidated fund. The noble Viscount was a party with himself (the Archbishop of Canterbury), and for which they had both been subject to many misrepresentations and unjust suspicions to recommending a plan for supplying the wants of the Church from her own resources. That those wants far exceeded the wants of the Church of Scotland he admitted; indeed, the fact could not be denied; but there were means provided for meeting those wants without coming to the public for money. Again, the noble Viscount said, "we shall have the Church of Ireland, too, making application for his assistance." What! had the noble Viscount ceased to speak of a surplus? Was there not at least property sufficient to provide for the Church of Ireland if properly applied to for that purpose? The question before their Lordships was as to the wants of the Church of Scotland; those wants appeared to be small in comparison with the wants of the Church of England; and it was because they came within a manageable compass that he considered they deserved the attention of Parliament. The first argument of the noble Viscount was, that there was no such want; and the next was, that those wants were so extensive that no means could supply them without entrenching upon the public revenues. Why did not the noble Viscount think of that before he appointed the Commission? There was an inconsistency in the argument of the noble Viscount. Scotland had been deservedly celebrated for the good order and economy that had been observed through the influence of the parish ministers, when the ministers of the Church were adequate to the amount of the population; but that population had since increased threefold—the same number of ministers would not now therefore do. There were many churches in Edinburgh and Glasgow which had been built by private subscription, and others were ready to be built by sums of money already collected. What they wanted, therefore, were not churches, but endowments for ministers. Now, this expense would be altogether so limited, and could by no possibility lead to any further demands on the part of other churches in England and Ireland, that he would appeal to the noble Viscount to say, in candour, whether the argument he had urged on this head was tenable. A case of considerable destitution had been made out, and to which, if timely assistance were given, a remedy might be applied which would be beneficial in the highest degree to the spiritual interests, to the morals and happiness of the great mass of the population in the great towns. In many of those great towns there was no check on the conduct of the people by the influence and behaviour of the higher classes. Many were in extreme indigence, and the very despairing and comfortless state into which they were thrown by that indigence often led them into intemperance, left as they were without the protection of pastoral instruction, which would perhaps bring them back to the right path. For instance, there was the district called the Water of Leith, near Edinburgh. It was stated, that the population was 1,400; of these ninety-two attended Dissenting chapels, and seventy the Church; the rest were in the habit of attending no place of worship. Since the report was made, a church had been built, and there was now a congregation of 300 or 400 collected from that population that were before not in the habit of attending any religious assembly at all. He had no doubt, that similar results would flow from building other places of religious worship, if proper endowments for the Ministers were provided, which would lead to a correction of that faulty system which had borne so hard upon the poor in those great cities. In those towns, there appeared to be a very religious feeling. There were a great number of those charities which did honour to most of the populous places in this island: but the teacher, of course, could not have the same weight as a regular minister would have; and then there was the great evil of the clergyman who preached seeing very few or none of his parishioners there. This was not the fault of the clergy of Scotland. It did not exist till certain feelings had become so strong against the church—till attacks had been made upon the establishment, and the intention to subvert it had been avowed by men of high character for piety, and from whom he never should have expected an avowal so contrary to their former professions, so contrary as he should have thought to those principles of the gospel which they so well understood, and so contrary to that feeling of affection which ought to unite all Christians one with the other, and who had now declared their conviction, that the only scriptural supply for the church was the voluntary benevolence of individuals. He referred to the works of an individual of great theological merit in this country; and also to the language of some distinguished persons among the Scottish dissenters, who had given their evidence before the Commissioners. There was one portion of that evidence in particular, which appeared to him, to show the bigotry of dissent, beyond anything he had ever read or witnessed on any former occasion. Till this time, the clergy of Scotland were always considered as exemplary patterns to our own clergy. How often, indeed, had the clergy of the Church of England been taunted with the superior conduct and piety of the clergy of Scotland. That taunt was always unjust; for, however well the Scottish clergy might have behaved, he must still put in a claim for the great body of the English clergy. But now quite a different language is heard. The established church of Scotland was now to be put down, merely because it was an establishment. There was no other ground against it. That establishment was settled by the act of union, in which it was declared, that the religion, and the condition and discipline of their Church Government were unalterably established; and that there should be no other Church Government within the realm of Scotland. All this was established by that solemn Act which united the two countries; and, moreover, the Sovereign was required to do that which was not required to be done by the Church of England, namely, that immediately on the accession, the Sovereign should take an oath to maintain the Protestant Church in Scotland. With respect to the engagement which was contracted by the Sovereign on taking that oath, he thought it was worth the noble Viscount's consideration whether the supporting the Church of Scotland might extend not only to abstaining from acts that would prejudice that Church, but to giving it such support as would enable it effectually to discharge all the duties for which it was originally instituted. Now, with respect to the Dissenting clergy of Scotland, he would ask whether they were really satisfied with the voluntary principle? They must be well aware that there was a very large portion of the people who were not in the habit of going to any place of worship at all. He could hardly conceive a more decisive argument against the voluntary system than was exhibited by the state of spiritual instruction in Edinburgh—a state which would be removed, if a better system of endowment were substituted for the voluntary system. It might be said, that some delicacy was due to the feelings of the Dissenters, and that we ought not to show a partiality to the Established Church. Now, he did not know what was the meaning of an Established Church, except that it was the church which the nation preferred, and which it considered to be the safest, the best, and the most effectual vehicle for the conveyance of spiritual instruction, and for upholding all spiritual ordinances for the people; and it did appear to him to be a great inconsistency for a state to withhold support from the Church for the purpose of sparing the feelings of the Dissenters. But there was another point upon which he would put it to the Dissenters themselves, whether it were consistent with the Christian spirit which they professed, to sacrifice the real interests of the Church to what might be called the interests of a sect—whether they were acting right in expecting that the Legislature should so far give way to the Dissenters' scruples as to say, "Since we cannot afford countenance to you, therefore we will act upon your advice, and give none to the Established Church?" Such a doctrine might be very well in the mouth of a sect; but what were churches instituted for, except for the good of the people—except for the spiritual welfare and temporal advantage of the great body of the population? For these two things could not be separated; all that contributed most to the happiness of society, the increase of virtue, the extension of morality, the diminution of vice, and the suppression of crime, must always stand upon the basis of religion. He was perfectly willing to give the Dissenters credit for all they had done, and he desired, that they should have full toleration; but, at the same time, he maintained that the

Church Establishment of a country deserved support, and in the country of which they were then speaking he did not see anything by which the Ministers of the Church could be considered as having forfeited their claims to the confidence of the State. Their general character was that of men well acquainted with divinity—of good moral character—of assiduous attention to their duties—of great punctuality in attendance to their several administrations, and of unwearied diligence in teaching. The clergyman of every parish had upon an average a population of 5,000 souls to attend to, and he believed nobody had accused them of neglecting their duties as far as the strength of each individual would allow him to go. Under these circumstances, he could not abstain from making an appeal to the noble Viscount on behalf of the people of Scotland, whose religious wants were not adequately supplied. The only ground that the noble Viscount had taken in opposition to the views of the noble Earl, was that of expense. He conceived, that the expense of providing adequate Church-accommodation in the great towns of Scotland would be very moderate; but, whatever the expense might be, he felt confident that an ample return would be found for it in the increased morality and increased happiness of the people, which ought to be, and no doubt was, the great object of every Government—in the suppression of vice, of habits of intemperance, and of other misconduct, which led to misery of every kind, and to indigence and pauperism in particular; and in the diminution of crime, the suppression of which was in itself a source of so much expense to the country. Upon these considerations, he hoped that the noble Viscount would be induced to reconsider his resolution, and to act upon those principles which first determined his Government to issue a Commission to inquire into the character and extent of the religious destitution in Scotland.

The Earl of *Rosebery*, in so very thin a house, did not intend to offer more than a very few observations upon the important subject which had been brought under their Lordships' consideration. Though not a member of the church of Scotland, nobody could be more anxious than he was to give a full and substantial support to that valuable establishment, believing as he did that it was a church most peculiarly applicable to the feelings, wants, and wishes of the people of that part of the kingdom. When the noble Earl who brought the subject forward, stated, that since the union no topic had created so much excitement in the minds of the great body of the people in Scotland, he (Lord Roseberry) fully agreed with him. He admitted the accuracy of the noble Earl's proposition, but totally denied the inference which the noble Earl drew from it; for the true cause of the excitement which existed was, not the apprehension that no money would be granted for the support of the church, but the very reverse—a strong and general feeling of alarm lest a grant of public money should be made for the purpose, without further and more careful consideration. This feeling was not confined to the dissenting interests in Scotland; a great many persons attached to the establishment in principle, and in the abstract were as warm as many of the Dissenters against the grant of money sought for by the noble Earl (the Earl of Aberdeen) opposite. There was a large public meeting held in one of the burghs of Scotland not long ago to petition Parliament against the proposed grant, at which there were many churchmen as well as Dissenters; and who was the chairman? Why, one of the elders of the church of Scotland—a circumstance affording a strong and irresistible proof that the objection to the proposed grant was not confined to the Dissenters. He did not intend to charge the supporters of the grant with wilful misrepresentation; but acting, as he supposed, from erroneous information, it was certain that they had fallen into many exaggerations in their statements of figures. The most reverend prelate who last addressed their Lordships had put it to the noble Viscount (Viscount Melbourne) whether it would not be consistent with his original intention, having instituted an inquiry upon the subject, that after that inquiry had been made he should immediately follow it up by proposing a grant of money to meet the destitution which appeared to exist. But if the inquiry proved, that the deficiency in church accommodation was by no means so great as was supposed prior to the inquiry being made (which he concluded was the fact), it then, he thought, became the duty of the noble Viscount at the head of the Government to pause a little before he established the dangerous precedent of proposing to

Parliament to make a grant out of the Consolidated fund for the assistance of the church in Scotland. But in point of fact the deficiency of church accommodation in the great towns of Scotland, and especially in Edinburgh and Glasgow, was not near so great as it had been represented to be. In the rural districts of Scotland, the heritors were bound, in building churches, to take care that accommodation should be provided for forty-four per cent. of the population. Now, taking that proportion as the basis of a calculation to be applied to the population of the great towns, it would appear that in Edinburgh church accommodation ought to be provided for 45,000 persons. It was proved by the inquiry set on foot by the noble Viscount that church accommodation was already provided in Edinburgh for upwards of 39,000 persons, so that the deficiency in that city amounted only to about 5,000. But in point of fact, it did not amount even to that, for it was found that the unoccupied seats in the different places of worship amounted very nearly to one in twenty. Proceeding upon the same calculation, it would seem that Glasgow ought to have church accommodation for 95,000. It had accommodation for 85,000, and in that city, as in Edinburgh, the proportion of unoccupied seats was about the same. It was evident, then, that the want of accommodation was by no means so great as had been represented, and certainly not so great as to demand a grant of public money to provide against it. After entering into some further details, the noble Earl proceeded to express a hope that this subject, which was one of vital importance to Scotland, would never be touched upon with anything that approached to party prejudice or political bias. It was a subject that, of all others, ought to be considered upon its real merits alone, with reference only to the important and sacred objects which must be common to both sides of the House, and without reference to the triumph of one party over another, or to the support of one description of Protestantism in the shape of dissent over an established Protestant church, which he was as anxious as the noble Earl (the Earl of Aberdeen) or the most reverend prelate could be to support, maintain, and defend.

The Earl of *Haddington* felt great regret in addressing so thin a house on so important a question, on a subject of such vital interest to the country to which he had the honour to belong, but still he felt himself imperatively called upon to offer a few observations to their Lordships. He fully agreed with the noble Earl who had addressed their Lordships on the propriety of excluding all party spirit and triumph from the debate, and he assured their Lordships that he entered on the subject not as a partisan, but, from an anxiety for the welfare and temporal happiness of the people of Scotland. It was idle to suppose that the church of Scotland took up the subject as a party question. The Church Establishment interfered on the recommendation of Dr. Chalmers and several other divines of experience, who complained of the religious destitution in Glasgow and other large towns. The clergy of the church of Scotland thought it their duty to have an interview with Government on the subject, and they retired perfectly satisfied with the opinions that had been expressed by her Majesty's Ministers. But it was too much to expect, that the clergy of the Church Establishment should not feel great indignation when that Church was assailed—when Dissenters declared, that there was no necessity for any Church Establishment, and when the parties who expressed such opinions had met favour from the Government. The noble Viscount (Melbourne) had said something about the modification of the grant which threw great obscurity on the subject. Did the noble Viscount mean, that Government would reconsider the question, and decide whether any portion of the grant was to be given to the large towns? [Viscount *Melbourne*: No.]—Then it was resolved that the great towns should be left destitute, and it was right that the people of Scotland should be made acquainted with the fact. He did not for a moment deny that the Highlands wanted assistance; but their religious destitution was no tto be compared with that existing in large towns. In the Highlands the chief object was to instruct the ignorant; but in the large towns the reclaiming of the vicious was of paramount importance. Some stress had been laid on the figures in the reports. He was not disposed to place much reliance on figures, for, as had once been said by a late eminent and lamented statesman, Mr. Canning, figures could be always made to do equally well at both sides of a question. He would not go into them, but he might remark, that his noble Friend had not opposed this motion on the ground that there was not a large amount of destitution as to religious instruction in Scotland. That could not be remedied by the Dissenters in that country. It could be operated upon only by the parochial system. The loss would here, then, be found to fall with most severity on the poor, for in Scotland, as well as in this country, the poor were found most attached to the Established Church. It was on them the loss would fall. They would be left unprovided for, as to this most necessary and most important blessing. It was therefore on behalf of the destitute poor that he and those who concurred with him on this question now appealed to their Lordships, and asked them for that aid which, as had been well observed by the most rev. Prelate, to whom the eternal gratitude of the country was due for his exertions to disseminate the blessings of religious instruction, in providing them with that instruction, would provide also for their temporal happiness and comfort. What was the objection to the grant of this aid? It was, that the Treasury would be assailed with similar applications from other quarters. It would seem, that it had been already so assailed, as if the cry was, as Falstaff had it, "Rob me the Exchequer." He was not aware till now, that his noble Friend at the head of the Government had been so assailed; but be that as it might, he would say, that within reasonable limits, the state was bound to provide for the religious instruction of the people. The claims of the Church of Scotland were strong on the state. When the population of that country was far wi hin its present limits, the maintenance of that Church had been made a fundamental part of the union with this country. If any one at that day had predicted that the time would come when no aid should be given to it from the state, it would have been said that there should be no union, or that the church should be adequately provided for. There were two parties in Scotland who were opposed to the Established Church. There were the Cameronians, who called themselves the real church of Scotland, and who asserted that the Established Church had fallen into error. They held any connexion with the state to be profane, yet they were not friends to the voluntary principle. There were then the Dissenters, who supported the voluntary principle, and who maintained that it was a violation of conscience to ask any man to contribute to the support of a church to which he did not belong. What a ground for exemption from a contribution to which all were justly liable! As well might he say, that he was an enemy to the shedding of blood, and that a man who took the life of another in war incurred equal guilt with an assassin, and on these scruples, to claim an exemption from the payment of any taxes, as they went to support war. It was well known, that the church, if properly supported, would greatly benefit the people. He was, therefore, surprised that the religious portion of the Dissenters—for there were political Dissenters in that country as elsewhere—should be opposed to the support of that church; but he was still more surprised to learn that any member of that church should be opposed to its due support. He had heard from the noble Earl opposite that an elder of that church had presided at a meeting opposed to its claims. He would not deny the fact, but he was happy to state his firm conviction that all the ministers, elders, and office-bearers, and the vast majority of the members of the church, were joined in earnestly praying that the Government would consent to give it the aid which they sought. He did not believe, that greater interest had been excited in Scotland on any public question since the union, and he was certain that her Majesty's Ministers would greatly consult their own interest in complying with the general feeling of the country in this respect. He had little expectation, however, that the Government would take such a course, for it was a fact, well known, that Ministers derived support in all parts of the kingdom from those who were hostile to church establishments. They derived it in Ireland, from those who took no pains to disguise their wish to pull down the church of that country—they derived it in Scotland from those who were strongly hostile to the Established Church there—and they derived it in England from those who were opposed to the Church Establishment here. Those were parties whom the Ministers of the Crown dared not disoblige. It could not be denied that the Dissenters in Scotland had been the means of bringing several boroughs over to the interest of Government. Had it been the other way, and that ten or twelve of those boroughs had gone against them, they would have found, that their tiny majority in the House of Commons would soon have dwindled down to nothing; but he was sure, that in the long run Ministers would be greater gainers, and would best consult their own interests by complying with the general feelings of the country than they now did by appointing those Commissioners. In conclusion, the noble Earl thanked the House for the attention with which it had heard him.

The Earl of *Minto* would detain the House but for a very short time, but there were one or two points on which he wished to make a few remarks. And first respecting the great destitution which was said to prevail in Scotland of the means of spiritual instruction. The fact of this destitution had been taken entirely for granted throughout the discussion by noble Lords opposite; no sort of practical evidence of destitution had been adduced. He would, therefore, take the liberty of stating, from the report, what the amount of destitution truly was. Before doing so, however, he begged to observe, that this was not a purely Scotch question, but must be considered in connexion with the spiritual condition of England, and he thought he should be able in a very few words to show, that if they admitted the principle of the noble Lord, or that the state must interfere, to fill up whatever gaps were open in the supply of spiritual instruction for the people of these realms, they would find themselves obliged to carry out this principle a great deal further than they might imagine. The noble Lord who had just sat down very naturally deprecated any appeal to figures, knowing that such an appeal must be unfavourable to his view of the case. He, having no such horror of figures, would beg briefly to appeal to them. In the first place, from the report before him, it appeared, that the population of the united district of Edinburgh was 162,293; that the sittings in the Established Church were 36,001, being twenty-two per cent. on the population; that the population of the Established Church was 91,021, making the sittings, as stated, thirty nine per cent. The number of the Dissenters' sittings in the district was 42,705, making the total number of sittings 78,706, so that no fewer than forty-eight one-fifth per cent. of the whole population was provided for, being a much higher ratio than what was understood as the legal amount, namely forty-four per cent. Of the sittings in the Established Church there were unlet 9,794, being twenty-seven per cent. Of the Dissenters' sittings 11,360 were unlet, being twenty-six one-sixth per cent., and making the total number of sittings unlet 21,154, which precise extent of sittings was therefore available for those who required them. In Glasgow the case was pretty nearly the same. There the population was 213,810, the sittings for the Established Church 35,100, being sixteen and a quarter per cent; the population of the Established Church was 113,271, which numbers, including unclassed sittings, presented a proportion of thirty-one per cent.; the Dissenters sittings were 49,793, making the total number of sittings 84,893, being a proportion of thirty-nine one-seventh per cent., which was within five per cent. of the legal amount. In Glasgow the number of sittings in the Established Church which were unlet was 6,599 (not including 2,000 sittings undescribed), and the number of unlet Dissenters' sittings was 13,047. Then as to the number of instructors. In Glasgow the number of ministers of the Established Church was twenty-nine, being about one to every 7,000 of the population; or, deducting the Dissenters,' about one to every 3,900 of the population. In addition to whom there were eighty-five missionaries, or instructors, fulfilling the same class of duties, making the total number of spiritual instructors 114, and being in the proportion of one instructor to every 1,875 of the whole population, or one to every 994 of the members of the Established Church. Surely these facts did not show a state of such very great spiritual destitution. But let their Lordships compare this with the state of religious instruction in the metropolis. It appeared that in a radius of eight miles from St. Paul's, including a population of 2,000,000, the sittings afforded in the Established Church were 261,400, being at the rate of 13 per cent. on the whole population; but, including the sittings afforded by other religious denominations (which amounted to 236,000) they would come to 497,400, being on the whole population 24 per cent., instead of 48 per cent., as they were in Edinburgh. And further, it appeared, from the statement of the right rev. the Bishop of London, as quoted by Dr. Pusey, that while the total population of the parishes of London, which contained upwards of 7,000 inhabitants, was 1,137,000 there was only accommodation in the Established Church for 126,682, being 11 per cent of that number. Thus it appeared, that while in Edinburgh there was accommodation for upwards of 48 per cent. on the population, and in Glasgow for 35 per cent. of the population, there was in London accommodation for only 24 per cent. of the population. Reverting to the act of 1707, which he must state was an act for the transfer of jurisdiction, the power of regulation with regard to the Church of Scotland, which, before the passing of that act, had been exercised by the British Parliament, was restored to the hands of the Court of Session, which was invested with the character of a court of appeal. But as the Court of Session was not then in as high estimation as it now was, a disinclination was entertained to trust it with the powers which had been confided to it by Parliament; and, accordingly, where there was the question of the alteration of parishes, the consent of the inhabitants was required. In the last clause of the act to which he referred, it was provided, that it might be altered or amended at a subsequent period by the British Parliament. By this act the principle was clearly established that the teinds were in all cases to be applied to the support of the church, and that if a parish were found to be either inconveniently small, or inconveniently large, two or more parishes might be united or divided. He could not, therefore, conceive why it should be held that the measure now under contemplation should be looked on in the light either of an encroachment or a confiscation. He could see no reason founded either in law or in justice, to prevent the Imperial Parliament from improving the existing machinery, and carrying fully out the intentions of the act. He believed, that in point of fact, the Court of Teinds already exercised a great deal of this power; and that if, for instance, a minister felt himself compelled by the spiritual necessities of his parish to avail himself of the services of an assistant minister, the Court of Teinds would be entitled to assign to him an increased stipend.

The Earl of *Haddington* wished to observe, as a comment on the statement of figures, which had been made by the noble Earl who had just sat down, that in Edinburgh there were 40,000 or 50,000 persons habitually absent from all places of worship, and that in Glasgow, there were no fewer than 18,000 families, which possessed no seat in any house of worship at all.

The Bishop of *London* said, that although the spiritual wants of such cities as Edinburgh and Glasgow might not appear large to the noble Earl, who had last but one addressed the House, they were still much larger than the noble Earl appeared to be aware of. The portion of the population who were unprovided with seats was, unfortunately, the poorer portion, who were disabled from providing themselves by deficiency of means. The application from the Church of Scotland, for the extension of spiritual accommodation ought not to be understood to be an application for the means of building so many more churches, but of rendering the existing churches available for popular religious instruction. With regard to the legal provision of seats, to the amount as compared with the population, of forty-four per cent., the legality of that provision depended entirely on the dictum of the Church Commissioners for Scotland. The Church of Scotland herself, however, took sixty per cent. as not too large a provision. And experience justified this assertion, that if you provide seats to the amount of fifty per cent., with a sufficiency of competent ministers, that proportion, at least, will be occupied by the people, in whatever part of the country. He had heard with great surprise the declaration which had been made by the noble Viscount at the head of her Majesty's Government —of that Government which was bound to maintain the Church Establishment by the solemn engagement of its Members—by the solemn engagement of the Sovereign whom they served—that he protested in the most distinct and emphatic manner, against its being laid down as the duty of the Government to provide additional accommodation for the Church of Scotland

Viscount *Melbourne:* Against the right of the Church of Scotland to demand it.

The Bishop of *London:* The right of the Church of Scotland to demand it! Why the two terms are co-ordinate. The principle was one which he (the Bishop of London) protested against in the strongest and most emphatic terms. He was prepared to maintain, that in a Christian country it was the duty of the Government to provide, if it did not exist, and if it existed but imperfectly, to extend an accommodation for the spiritual wants of the people. This was, he contended, one of the most imperative duties which it could devolve upon any Government to discharge; it was a duty with the importance of which no temporary functions could be compared; and if a Government were disposed to do all that the country expected from it, it would be beforehand in making this provision, and in spreading over the whole surface of the country, the police of a well-organised, well-endowed clergy, stationed at proper intervals, and supplied with the most efficient means of communicating to their flocks the saving truths and precepts of the gospel, and exercising in its most valuable sense, a truly Christian dispensation. This was what the Church of Scotland had endeavoured to do; and she was only desirous of being now restored to the position which she had occupied a century ago. She stated, that the people of Scotland were in a state of gradual but rapid deterioration, and this she attributed to the want of a sufficient number of ministers, and of the means to carry out to its full extent, the system of parochial instruction. The noble Viscount had also protested in the most energetic and emphatic manner against what he called the system of "parochial and pastoral instruction." Why, the very object of a church establishment, and of the establishment of the Church of Scotland, was to institute this system of instruction; each pastor was to have his own flock intrusted to his care. And as to what had been said as to the intrusion of the minister into the privacy of domestic life, this was the peculiar characteristic and most beautiful feature in their system of religion. It was a consolation to the poor, and a benefit to the rich; it threw a religious halo over every aspect of life, and gave to the community a great and invaluable protective principle for the conservation of soundness in morality as well as in religion. It was to carry out this great principle effectually that the Church of Scotland now applied to the Legislature. There was one other point to which both the noble Viscount and the noble Earl had alluded. This was the objection which they both had taken upon the ground of establishing a dangerous precedent. Excessive liberality in this instance might, it was alleged, hereafter lead to excessive demands. He felt, however, convinced, that the people of this country would not be slow in acceding to any reasonable demands of this description upon the Treasury; and it was certainly not upon their part that he saw any danger of refusal. The noble Viscount had alluded in terms somewhat clearer than those which had been employed by the noble Earl (Minto) to the comparison in point of religious accommodation between the Scotch cities and the metropolis. It was perfectly true, that the amount of spiritual destitution in London very far exceeded that which existed either in Glasgow or in Edinburgh. But what was the object of the commission out of which those extracts to which the noble Lord had referred were extracted? That object was simply to ascertain how far the existing means were sufficient to apply a remedy to the existing deficiencies. The Legislature had an undoubted right to say to the Church of Scotland—"You have a right, in the first instance, to examine into your own resources; and when you shall have done so, if necessary, we will apply the remedy." The deficiency, however, existed, and the remedy remained to be applied. He felt confident, that the honourable feeling and well-known sagacity of the noble Viscount would lead him in this instance to adopt the safest as well as the most equitable policy, and induce him to turn a friendly ear to claims which were so intimately connected with the political welfare of the country at large. The Government which acted upon this subject in a liberal and enlightened spirit would reap an ample harvest in the increased respect, affection, and adherence of the people of these countries. The right rev. Prelate concluded by expressing his determination to stand forward upon every occasion like the present in behalf of the Church of Scotland.

The Duke of *Wellington* said, that it was impossible for him to allow this discussion to close without addressing a few words to their Lordships. They had a discussion on this subject a fortnight ago, and on the same day a discussion respecting the Established Church in Ireland. From that discussion and from the present, it appeared that the policy of her Majesty's Government—he would use the mildest term that could be employed—was, not to encourage the Established Church. He was afraid, that it would appear from what had passed in another place in the last Session of Parliament, and even in this, that the Church of England—the Established Church of England—was not to be encouraged by her Majesty's Government. He was sure that those who recollected what had passed in Parliament during the last few years, would admit, that no great encouragement had been shown by Ministers to the Church of Ireland, that branch of the Established Church of England which was stationed in the latter country. He feared, he said, therefore, that the policy of her Majesty's Government was, not to encourage the Established Church, and that, he must say, was a most material alteration in the fundamental policy of the Government of this country, and, he must also say, was most sincerely to be lamented by every friend of the constitution, and of the peace, order, and happiness of the community. It was to be observed, that of all these established churches, that of Scotland was the one which must have occasioned least jealousy to the Government, which was also the least endowed, and whose exertions up to a very late period had been most successful in making what, as his noble Friend had said, the late Lord Liverpool had called, the best conditioned country in the world—a country which, on the whole, was more happy, and had advanced more in prosperity, and even in population, than any other part of her Majesty's dominions. He was sorry to say, that there was a great want, as had been stated in most positive terms, and as was evident from the reports on the table, and indeed appeared from the admissions which had been made in the course of this discussion—he repeated, a very considerable want of the means for religious instruction in the possession of the Established Church of Scotland. There was certainly some difference of opinion between the noble Lord opposite and his noble Friends with respect to the amount of these wants. The noble Earl (Minto) who spoke last had laid down the principle, that provision ought to be made for religious instruction at the rate of forty-four per cent. on the population. He believed, however, that this calculation related to the rural parishes. It did not touch the towns at all; and the proper calculation of the want of church accommodation ought to be sixty per cent. on the total amount of population. It appeared from the statements made in the books before their Lordships, that the amount of persons destitute of religious accommodation was in Edinburgh 27,000 and was in Glasgow 44,000; but if their Lordships took into consideration the number of vacant sittings both in the Dissenting chapels and in the churches, it would be found that a very large proportion of the inhabitants of those towns were totally destitute of all religious instruction. The noble Viscount (Melbourne) had said, that the people of Scotland entertained a remarkable objection to the occupation of free sittings, as in that country sittings were generally paid for. That was no doubt true; and that was the foundation for the demand for assistance which the people of that country now made to the Government—assistance not to build churches, be it remembered, as had been observed by the right rev. Prelate (the Bishop of London), but to make a provision for the endowment of a clergyman to perform the service and teach the population in the immediate vicinity of places where churches had been built or might be built hereafter. The noble Viscount said, that he would not concede this demand, because he was apprehensive of similar demands being made to him from other parts of the country. But if the noble Viscount did give assistance in consequence of such demands, he would not give more than had been given before. His noble Friend behind him could tell their Lordships of a very large grant which had been made to the Established Church of England. And again, it had been sufficiently shown by the right rev. Prelate, that provision would be made in a great degree for any want of religious instruction in this country out of the funds of the Established Church of England, and therefore there was an end of that argument. No such demand would be made from England, and their Lordships knew that no such demand would be made in Ireland, and therefore the demand was simply reduced to a provision for the endowment of a clergyman to perform the parochial duty in the churches which had been or should be built in different parishes in and near large towns in Scotland. He confessed he was not at all astonished at the opposition which this application had encountered from the advocates of the voluntary system in Scotland. They knew that assistance could not be granted to them; they knew that they could not take charge of the population of the country, and that Government could not come forward to propose such a grant, and what they said was, " We cannot get assistance, and therefore nobody else shall." But he would say, that the Government ought to pursue a different course. They ought not to leave themselves in the hands of the enemies of the Church of Scotland. They should, on the contrary, listen to the General Assembly of the Church of Scotland, which was the proper authority on this subject. That body would tell her Majesty's Government that this assistance would enable them to give instruction to all who desired it, and to establish in the country peace, good order, religion, and morality. These were the advantages which would be received in return for this small grant of public money. He begged to state, that it was not only in the Church of England in which grants had been made out of the public funds. In the Church of Scotland itself, in cases in which the revenue arising from tithes in parishes was not sufficient to provide the clergyman with a competent stipend, his stipend was made up out of the public funds. That was the principle on which they called on the noble Viscount to make this grant. What they said was, " Here is a church built by private funds; we ask money from the public purse in order to enable the Church of Scotland to appoint a well-qualified person to take charge of the congregation." The noble Viscount had really given no reason for refusing this grant, except the general one to which he had adverted, that it would draw on him demands from other places, to meet which there were no funds. The noble Viscount had stated, in answer to the observations of his noble Friend, that the noble Viscount had no objection to making a grant from that part of the Consolidated fund which was formerly part of the private revenue of the Crown, because it was a limited fund. To that he would only say, that he (the Duke of Wellington), had no objection to derive assistance from that fund, because, perhaps, it might be sufficient to answer all the purposes for which the grant for the Church of Scotland was required; but what he asked from the noble Viscount was, that he would depart from the principle which he had laid down of not rendering any assistance to the church in great towns, only because in the great towns it would not be agreeable to certain parties. It would give him the greatest satisfaction to find the Government acting on a principle of encouraging the Established Church, instead of acting on a contrary principle; and he was convinced, that the consequence of adopting that course would be to promote the welfare and secure the happiness of the people of Scotland.

The Earl of *Aberdeen* remarked, that but one reason had been given by the noble Viscount for refusing this grant, and that was the expense. But he contended, that it was now too late to urge such a plea, and in setting up such a defence, the noble Viscount had broken faith with the Church of Scotland. Why, these churches had been built solely on the faith of the commission which had been issued by the Government. These churches had not been built on speculation; they were not like the Dissenting chapels, which were built, not for congregations, but only in the hope of drawing a congregation; they had been built in reliance upon the promise held out by the Government, and in the expectation that if they were built they would be endowed with a clergyman out of the public funds. When, therefore, the noble Viscount, yielding to the pressure which he admitted he felt to be inconvenient, announced that he could not concede this grant, he had done what he never could have thought the noble Viscount would have been guilty of, and what he could not but call a breach of faith. What he had stated to be the fact, had been repeatedly asserted by himself and others in that House, and had never been denied; and therefore he repeated, that it was now too late to urge this plea. The noble Viscount had said, that it was desirable that the church should be supported out of the funds which belonged to it, and that it ought not to come to the general fund of the public for assistance when it possessed property of its own. Now, his noble Friend had alluded to the grants made to the Church of England. He had never objected, and the people of Scotland had never objected, to those grants, although a million and a half of money had been granted to the Church of England for building churches, and a further sum of 100,000*l.* for eleven years consecutively, had been appropriated to its use —making in all 2,600,000*l.* The people of Scotland had never objected to these grants. Their Lordships had never heard of any petitions being presented against them, and therefore the people of Scotland had every right to expect a moderate endowment, in aid of church accommodation, particularly as they had raised among themselves 200,000*l.*, in less than two years, for that purpose, and which, he must say, was one of the noblest efforts ever made by a Christian nation. The people of Scotland knew what they were about; it was not an extravagant fancy, but a well-considered determination, to which this exertion was owing; and he did think, that they had deserved to be treated in a very different manner by Her Majesty's Government. However, he would still not despair. He could not believe, that the noble Viscount, even after what he had heard in that House, and what he would hear from his friends in Scotland, would persevere in the course which he had announced his intention of pursuing. This, he well knew, that the noble Viscount would find that many of the highest respectability and influence in Scotland, who were friends of her Majesty's Government, would remonstrate with him most strongly against the unjust and cruel course which he had unfortunately, and in an evil hour adopted.

Viscount *Melbourne*: My Lords, only one word. I do state most decisively, most positively, that I never understood myself to be bound by any such engagement, as that supposed by the noble Earl to have been formed. I never made such a promise; I never entered into such a compact; I deny the statement to be correct; I never pledged any faith on the subject; and I deny, in the strongest manner, in the most decisive terms, and in the most explicit language in which one gentleman can speak to another, that I ever entered into such an undertaking. A commission issued, because there was a difference of opinion on questions of fact. There was a difference of opinion with respect to the number of sittings, and with respect to the amount of destitution of spiritual instruction which prevailed; but I deny most distinctly, that I ever pledged myself to any course of proceeding by issuing that Commission, or that any one whatsoever had a right to form any conclusions, to draw any deductions, or to pursue any line of conduct, on my behalf, in consequence of that inquiry.

The Earl of *Aberdeen* begged to repeat what he had before asserted, that looking at the manner in which the Commission had been issued, the noble Viscount's announcement was a breach of faith, and must be so considered. The noble Viscount had, perhaps, not made any such statement in that House, but looking at the Commission, he almost feared, that the whole thing was meant for deception, although he should be loth to believe it. The Commission was ordered to inquire into the state of church accommodation in Scotland, "in order that such remedy may be applied from time to time as Parliament may think fit to direct." Now, if the noble Viscount had denied the evils, there might be some reason for refusing the application, but he did not deny the evils; them he admitted. Such might not have been the declaration of the noble Viscount, and he probably did not like to adopt those of his colleagues, one holding language different from that of another of the noble Viscount's colleagues elsewhere, but his colleagues had used the very words which he (the Earl of Aberdeen) had stated, and he repeated, that if the Government had ever any good faith on the subject at all, they had been guilty now of a breach of faith, unless they were able to deny the existence of the evils.

The Earl of *Minto* observed, that the noble Earl had omitted to read the most important clause in the Commission. The Commissioners were directed to inquire into the religious destitution of the country, but, also to inquire and report on the means in that country to be found for relieving the church.

Motion agreed to.

NEW ZEALAND.] The Earl of *Devon* then rose for the purpose of moving the appointment of a Select Committee to inquire into the present state of the Islands of New Zealand, and the expediency of regulating the settlements of the British subjects therein. He believed, there would be no opposition offered to his Motion, and he should not, therefore, trouble the House by going at length into the subject, but would content himself by saying, that his object was, in his opinion, a most desirable one, namely, to ascertain the state of the population of the islands in question.

The Duke of *Richmond* begged to ask the noble Earl whether there had not been a private company, a species of joint-stock company, established with reference to the colonization of those islands?

The Earl of *Devon* said, that there certainly was nothing like a joint-stock company in existence with reference to those islands.

The Duke of *Richmond* was of opinion, that a Motion for a Committee ought not to be granted, unless it was established, that the object in view was one which was desirable for the interests of the community at large; and he thought, that no such Committee should be appointed, merely for the purpose of ascertaining how far a private company, already established, might go. He had heard it stated, that a number of gentlemen had assembled on those islands, and he thought, that it was not fit, that they, being uncertain to what extent they could proceed, should apply to Parliament, that a Committee should be appointed at the public expense, to ascertain the limits of their power.

The Earl of *Devon* declared, that he would not have brought the subject under the notice of the House, if he was not acquainted with all the proceedings which had taken place, and he could assure the noble Duke, if he would give him credit, that this was a subject well worthy the consideration of Parliament. He had taken the liberty of placing the name of the noble Duke on the list of the Committee he intended to propose, and if the noble Duke would take the trouble to give his attention to the subject, he was convinced that he would find it well worthy consideration. If he was required to go into the question now, he was prepared to do so; but he thought, that it would be unnecessary, when the whole of the circumstances must come out before the Committee, that it should now be inquired into; but he would state one ground on which he was inclined to believe, that the noble Duke would be satisfied, that his object was the true and legitimate one of endeavouring to carry out the best intentions which could exist with regard to the colony. It had been his intention to submit to the House a bill to carry into effect those objects, but the propriety of that measure must depend, in a great degree, on the state of facts, which should appear before the Committee. He thought the House would agree with him in the propriety of having an inquiry, before the Bill was introduced; and if in the result it should turn out, that the House was not satisfied with the course he intended to pursue, it would not be adopted. His object was not to bolster up any private company, as the noble Duke seemed to imagine, but to carry into operation the views of many most excellent persons, as to the mode of populating those islands of New Zealand with British subjects, in such a way as Parliament would be disposed to sanction.

The Duke of *Richmond* could assure the noble Earl that he did not mean, in any way, to charge him or any other person, with any sinister intention. What he desired was information, and he imagined that any peer in his seat, in that House, might, on a Motion being made for a Committee, ask a question with a view of ascertaining whether the proposed proceeding was such as he could sanction. The answer of the noble Earl was satisfactory, but he had heard, that a company was in existence in the colony. The noble Earl's answer, however, had made it clear enough, and his explanation that he intended hereafter to introduce a bill on the question, was sufficiently satisfactory to assure him of the propriety of his motion being granted.

Lord *Glenelg* said, that the subject was one of great importance, and, on general grounds, was well worthy the attention of Parliament. He wished, however, that time would have permitted the noble Earl to have entered more at large into his reasons for the present motion. The question had been brought before the Government some time ago, and it was proposed then to bring in a bill; and, if certain conditions had been agreed to, a charter was to have been granted. The parties, however, were not prepared to enter into the conditions which the Government thought necessary, and it was useless, therefore, to bring in the Bill in the House of Commons. With regard to the measure proposed to be introduced now by the noble Earl, although the Government should offer no objection to its being brought in, they could not be taken to pledge themselves to adopt any specific course in reference to it hereafter. The noble Earl, no doubt, entered into the subject with the intention to inquire fairly into it; and the Government, too, would enter upon it without any prejudice, either in favour of any particular course being adopted, or in opposition to any particular measures. He did not entertain any biassed feelings on the subject, but desired to enter into the state of New Zealand, in such a way as to give it the best attention which he could afford with reference to the interests of the British settlers there; and if a bill were introduced and carried, the effect of which would be to protect the natives of the country, and the British settlers consistently with the interests of the natives, an act of humanity and of justice would be done reflecting the highest praise on the policy of this country. He trusted, that such would be the result of the labours of the Committee. There had been many suggestions offered to him upon the subject, into which he should not now enter, but he would suggest that the Committee should so pursue their labours as to enable the House to adopt some measure this Session. It might be important to mention, that the Government had intended to bring forward a measure in reference to New South Wales, in which certain clauses would have been contained, having reference to New Zealand; but it would depend upon the Report of the Committee, whether those provisions would now be contained in that bill. That measure would have been introduced before, but for the termination of the former application to the Government. He merely threw out these observations with a view to the speedy conclusion of the sitting of the Committee.

The Earl of *Devon* said, that was his object in moving the appointment of the Committee to-night, in order to get all information as soon as possible.

Motion agreed to, and Committee appointed.

HOUSE OF COMMONS,

Friday, March 30, 1838.

Minutes.] Petitions presented. By Mr. Warburton, from Eye, in favour of the Ballot.—By Mr. Whitley Dundas, from Newmarket and Mold, by Mr. Easthope, from three places in Leicestershire, by Mr. Pease, by Sir H. Vivian, by Mr. Brotherton, by Mr. Baines, by Mr. A. White, by Colonel Perceval, by Alderman Copeland, by Mr. Harvey, by Colonel Conolly, by Mr. Pendarves, by Lord Dalmeny, by Dr. Lushington, (43) by Sir G. Strickland, (25) by Sir G. Staunton, and by Lord C. Fitzroy, from various places, for the immediate Abolition of Negro Apprenticeship.—By Mr. Wallace, from a place in Scotland, against the Justice of Peace (Scotland) Bill.—By Sir C. Style, from Scarborough, for the Repeal of theDuty on Marine Insurances.—By Colonel Conolly, from a place in Westmeath, against the system of National Education in Ireland.—By Mr. T. Duncombe, from inhabitants of the Borough of Finsbury, complaining of the plunder and deterioration of Church Property.—By Mr. Gillon, from Edinburgh and forty-four other places, against any further endowments in the Church of Scotland.—By General Sharpe, from several places in Scotland, by Mr. Grote, from the Campbeltown Voluntary Church Association, and by Sir H. Parnell, from Dundee, against further endowments in the Church of Scotland.

Negro Apprenticeship—Adjourned Debate.] The Order of the Day for the adjourned Debate having been read,

Mr. *James* congratulated her Majesty's Government upon having so able a coadjutor as the Secretary for the Colonies, who had concluded the debate the preceding night on this most important and interesting subject. In the course of that able, eloquent, and forcible address, the hon. Member alluded to the pressure from without—the pressure from constituencies on their representatives; and he agreed with him that it had been unfairly exercised in many instances; but that did not apply as regarded himself, for he had only one letter from his constituents on the subject, and he believed the people of Cumberland took less interest in the question than any other part of the kingdom, for only four or five petitions had been presented on the subject. As he happened to possess an interest in the question, being the proprietor of an extensive estate in Jamaica, he trusted the House would extend its courtesy to him for a few minutes, as he was not in the habit of making long speeches and troubling them very often. He begged to tender his acknowledgments to the country for the donation of 4,000*l.* or 5,000*l.* which he had received as compensation money for the loss of property, or, perhaps, he should say the anticipated injury to the property, which had cost his family somewhere about ten times that amount. Much had been said about the 20,000,000*l.* which, it was alleged, the people of England had been swindled out of. The people of England had given that of their own free will, to establish a great principle; but it was a great mistake to suppose that it would afford any thing like an adequate compensation to the owners of slaves if the negroes should refuse to cultivate the soil under the free system, as was supposed by many persons would be the case in the island of Jamaica. When that money was granted, it certainly was a part of the bargain that the compulsory services of the negroes should cease at the expiration of seven years. The object of his hon. Friend, the Member for Yorkshire, was to shorten that period by two years. He had given the subject his most earnest and anxious attention and dispassionate consideration, and he had no hesitation now in declaring that, under all the circumstances, he thought it would be best at once to emancipate the slaves and give them unqualified freedom. That would be better than keeping them in a continued state of excitement—and upon that point he differed from the hon. Baronet, the Under-Secretary for the Colonies—for a space of two years to come. He, therefore, should support the original motion; but, in doing so, he wished to guard himself against being considered as pursuing that course from any desire to court popularity, or with the view of being thought to possess finer feelings of humanity than his neighbours. He thought, that the immediate emancipation of the negroes, besides being, as it was contended, their right, would be advantageous also to the planters. He believed it would enable them to discharge from their properties all the idle, disorderly, and ill-conditioned persons, and relieve them from the maintenance of weakly and impotent hands. Where the planter was a kind and indulgent master, he would find no difficulty in cultivating his estates, because many persons would be glad to serve him instead of an oppressive taskmaster. The chief fear he had for the success of the scheme for the immediate emancipation, arose from reflecting upon the wretched condition in which many of those persons would find themselves placed. He supposed it was the intention of the hon. Baronet, the Member for Yorkshire, if this resolution were carried, to bring in a bill similar to that alluded to by Lord Brougham in another place. He thought that measure would not answer its purpose unless there was some vagrant clause, or something of the nature of a poor-law, introduced. There was undoubtedly a most easy mode of getting rid of the complaints of the negroes by the charity of those individuals who had pressed their claims so strongly upon the Legislature. A small mite from each of the British ladies who had so meritoriously taken up the cause of the negroes would go far to do all that was required to get rid of the difficulties under which the negroes laboured, and would improve greatly their munificent design. As a West-India planter, he had exerted his interest on behalf of the slaves in the colonies, but he had always thought, and still thought, that there was and had been in England labourers in a far more miserable condition than the negroes. Look to the Irish labourers, and to the hand-loom weavers. Talk about the negroes being chained to their work—why the hand-loom weavers of this country were chained to their looms, not forty-five hours in a week, but ninety-six. They had far worse food than the negro. His friend, the Under-Secretary of State for the Colonies, had adverted to the food of the negroes—why the hand-loom weavers would get fat upon such food; and so likewise with respect to the places in which they lived—the place appropriated to the negro was a palace compared with that devoted to the hand-loom weaver. He was satisfied that immediate emancipation would do no injury to the planter, who had behaved with humanity and kindness. Neither did he think it would cause any injury to the negro. It would, on the contrary, in his opinion, prove beneficial to all those who were orderly and had behaved themselves. Anxious, as he had always been, that the great measure of the abolition of slavery should be carried out fully, he would give his cordial support to the original motion, which had been introduced by his hon. Friend, the Member for Yorkshire, because he entertained none of those fears which had been expressed by the hon. Under-Secretary for the Colonies. He thought the measure could be carried out with perfect safety, and that the negro was now as fit to receive his liberty as he would be in two years hence.

Sir *E. Sugden* rose thus early, because he was not so anxious to take a part at a later time of the evening in the contentions which might run high on this subject as he was to explain the grounds on which he should vote on the present occasion. At the same time, it was with some regret, early as it was, that he did not find any of her Majesty's Ministers in their places. Considering the great importance of the point to be discussed, he should have supposed there might have been at least some one representative of the Government present. In common with most other gentlemen he had received a communication from his constituents, not pressing hardly on him, but requesting him with considerable zeal to support the petition he had presented for the immediate abolition of negro apprenticeship; he owed it, therefore, to them to state the grounds on which he should give his vote. It appeared to him, after all he had read and heard on this subject, that the questions reduced themselves to two very simple ones, although there might be some difficulty in coming to the result. The first question must necessarily be—was there anything in the act of Parliament of 1833 which prevented that House from interfering either with the bill, or the more extended measure of the hon. Baronet (Sir G. Strickland) who moved the resolution? Supposing the House was not by contract excluded from entering on the question, the next point was, had the case arisen in which it would be proper for the House as a branch of the Legislature to interfere? And supposing the moral right to interfere, and supposing the case had occurred, the question to be solved was, what remedy should be applied to the abuses which were alleged to exist? On the first question which had been agitated both in that House and elsewhere, and on which opinions had been stated which very much startled him, he did not hesitate to say, let them call it contract, compact, or what they chose, there was what might be fairly termed a national obligation in the shape of a solemn act of Parliament binding on both parties. It was very true the act did not in any part of it state the existence of what was called a contract. The words of the preamble to the act were very remarkable. They were as follow:—

> " Whereas divers persons are holden in slavery within divers of his Majesty's colonies, and it is just and expedient that all such persons should be manumitted and set free, and that a reasonable compensation should be made to the persons hitherto entitled to the services of such slaves for the loss which they will incur by being deprived of their right to such services; and whereas it is also expedient that provision be made for promoting the industry and securing the good conduct of the persons so to be manumitted for a limited period after such their manumission; and whereas it is necessary that the laws now in force in the said several colonies should forthwith be adapted to the new state and relations of society therein which will follow upon such general manumission as aforesaid of the said slaves."

And then came the enactments. Now, there was nothing in those words which recited any thing like a contract. But independently of the knowledge which the House had of the grounds upon which that arrangement was acceded to, one thing was quite clear, that though the preamble of an act might be referred to in a matter of doubt, it could never be allowed to contradict the clear sense of the subsequent parts of the act itself. It was an undoubted fact that by the act, the property of the owner in his slaves was left to pass by will, descent, and assignment, just as it did previously to the passing of it. He did not mean to express an opinion at present as to whether that was wise or no; but under the act the property in slaves was saleable, and since the passing of it, the slaves, or rather the apprenticed labourers, had been repeatedly bought, sold, and mortaged, and now belonged to those who had laid out their capital upon them. If there were anything improper in such a state of the law, it was the Imperial Parliament which had been guilty of that impropriety; but, deny it who might, such was the state of the law now existing. He understood that some, who had filled high office in the country, were of opinion that no contract had been made, and considered that the arrangement to which Parliament had assented was an arrangement made entirely for the benefit of the slave, to teach him the habits of civilized life, and to enable him at thirty or forty years of age, whatever might be his class, to start up as a free man. It had also been said, that without the assent of the negro there could be no contract. That that was a fallacy was almost apparent on the very enunciation of it. If you chose to cast away all ideas of right and of law, very good; but if you take right and law as your guide, you must admit that though he was not necessarily a part, yet he was decidedly the subject of the contract. To say that the contract was not good, because the negro was not bound by it, was to be guilty of arguing upon premises that did not exist. A noble and learned personage had, however, placed the matter on a different ground. He did not consider that the negro was a necessary part of the contract, but said that the arrangement was made to ameliorate the condition of the slave, and that as that object had been attained by the amelioration which had already taken place in the condition of the slave, his freedom ought to be granted immediately. That, however, was not the question, as it appeared to him. It seemed, from the use of such an argument, as if one was indifferent to the interests of humanity, and to the miseries of slavery; for, disguise it as they might, the apprenticeship system was slavery, though slavery in a mitigated form. But he was indifferent to no such thing. He wished, however, to do right between the nation and the planters, as well for other causes as with reference to the negroes themselves. If it depended upon him to free the negro apprentices, and if it could be shown to him that it was just to all parties to do so, he would strike off his fetters at once, and for ever. But it did not depend upon him, and he had no such power. The question therefore, for him to consider was, whether any case had yet arisen in which the House had at present the right to interfere? On that, he believed, there could be no doubt. For his own part, he knew of no instance in history in which there had ever been so audacious a breaking in upon the expressed intentions, declarations, and enactments of the Legislature, as there had been here. The reason which gave the House the right to interfere was the fact, that it interfered for the benefit of the slave, when the case required it, and not before. In a future part of his speech he might, perhaps, enter more largely into the inquiry, whether our interference was not required for the benefit of the slave; but, at present, he would only say, that there had been breach enough on the part of Jamaica and some of our other West-India colonies to authorise us to displace the contract, if it were wise for this country, and consistent with the interests of the negroes themselves, that immediate emancipation should take place. The case against the planters appeared to him to be a very strong case indeed. He could not agree with his hon. and learned Friend who had spoken last night, and to whose speech he had given all the attention which it deserved, and that was all the attention which he could command—he could not agree with his hon. and learned Friend (Sir G. Grey) that it was not fair to quote individual instances of misconduct and oppression on the part of the planters to prove, that the planters generally had been guilty of a breach of contract. You could only make out a case of general oppression by showing, that it existed in a vast number of individual instances, for it was in vain to expect, that one great jubilee of cruelty over their slaves would ever be celebrated by the masters publicly and simultaneously. Speaking, for instance, of the colony of Jamaica, he had no hesitation in declaring, that he had made up his mind, that a distinct case had been made out against it. He admitted, that a great number of the cases on which the hon. Gentlemen opposite relied had arisen in one particular district; but still there was evidence enough to show, that great cruelty had been practised universally towards the slave-population of that island. Look even to the matters which the Act that his hon. and learned Friend now proposed to read a second time was drawn up to enact. There was not one provision in it which was not intended to correct some vicious practice which had grown up under the acts of the Colonial Legislature since the period of passing the Slavery Abolition Act in 1833. The first clause enacted, that the hours of labour were to be regulated by proclamation. Why was such a clause necessary? Because many masters had deprived their apprentices of that portion of time which they had for themselves during the continuance of slavery, and had insisted upon having from them every day nine, instead of eight hours' labour. The next provision of the Act was introduced to correct certain irregularities relative to the supplies to be furnished to the apprentices, both in and out of the hospital, and to obtain for them, when ill, certain exemptions from labour. In all these cases it was clear, that the planters had acted contrary to the intentions of the Imperial Legislature: for the Legislature had always intended, that the apprenticed labourers should have the same allowances of food, clothing, and medicines, as they had when slaves. The first thing that the planters did after the slaves were converted into apprenticed labourers, was to strike off certain allowances which they had previously enjoyed, under the notion that they were no longer sanctioned by law. This bill now stepped in, and would compel the masters to furnish their apprentices with food and necessaries while in the hospital, or while in confinement in prison. Another point which this bill would effect, was one which had escaped the notice of the House in its last attempt to legislate upon this subject—he alluded to the privileges allowed to the slave in "sitting up." Formerly, when he could not sit up, he was allowed to lie down, but this was no longer allowed; and it had been a great surprise to the slave-population to find that their condition was actually altered for the worse by a bill that was professedly passed for their benefit. This bill would restore to the apprenticed labourers the privilege of "sitting up," which they had formerly enjoyed as slaves. The next clause of the bill provided for the valuation of the services of the negro apprentice. He had read through the evidence lately laid on the table of the House, and he could not help stating, that very gross frauds had been practised in this respect. The law had been constantly evaded, and this bill provided a remedy for such evasions. There was also a clause giving to the special magistrates power to enter into all workhouses and prisons in order to see that no punishment was unjustly inflicted therein on the negro apprentice. Another clause was introduced to prevent the whipping of females. That was an outrage clearly denounced as illegal by the Slavery Abolition Act. He had read the 17th clause of that act over and over again, and he had no hesitation in saying that a grosser abuse of power and a more unjustifiable outrage and oppression never had existed than now existed in those colonies where the whipping of females still continued to be practised. The meaning of the 17th clause of the Slavery Abolition Act admitted of no dispute. It was as follows:—

> "Provided also, and be it further enacted, that it shall not be lawful for any such governor, council, and assembly, or other colonial legislature, or for his Majesty in Council, by any such act, ordinance, or order in Council, to authorize any person or persons entitled to the services of any such apprenticed labourer, or any other person or persons other than such justices of the peace holding such special commissions as aforesaid, to punish any such apprenticed labourer for any offence by him or her committed, or alleged to have been committed, by the whipping, beating, or imprisonment of his or her person, or by any other personal or other correction or punishment whatsoever, or by any addition to the hours of labour hereinbefore limited; nor to authorize any court, judge, or justice of the peace, to punish any such apprenticed labourer, being a female, for any offence by her committed, by whipping or beating her person."

He was sorry to say, that in open defiance of this law, thousands of women had been whipped; and when he saw that nearly 29,000 persons had been flogged, and that the average amount of lashes administered to each was 580, without any statement being made how many of those 29,000 persons were men, and how many were women, he was obliged to add, that a grosser violation of any law had never, to his knowledge, taken place. In discussing this question, it was necessary to probe it to the bottom: but it was impossible to come to any safe conclusion upon it without inquiring where the mischief lay. As to the authority assumed by the planters to inflict these punishments, it was founded on a proviso of the clause, which enacted that "nothing contained in the act should extend to exempt any apprenticed labourer from the operation of any law or police regulation which is or shall be in force therein for the prevention or punishment of any offence, such law or police regulation being in force against, and applicable to, all other persons of free condition." "Oh!" said the masters, "we will not do to these apprentices anything which we do not do to freemen. We will send them to the workhouse, and there they will be subject to the same punishments as the whites. We will send them to 'dance the mill,' as the negroes called being placed on the treadmill, and then, if they show any reluctance, we will whip them soundly." But what was the practice in our colonies, and particularly in Jamaica? There was not a single instance to be found of a white having been sent to the workhouse to "dance the mill," and of a white having been flogged if he was reluctant to do so. The workhouses got white inmates occasionally from the sentences of the judges of assize and of court-martials, but they never received such inmates from the sentences of the local magistrates. When he looked at the cruelty which had been inflicted upon the female apprentices in workhouses, he saw that a great deal of it was occasioned by the obstinacy which cruelty always engendered among those who were its victims. That obstinacy, in its turn, created a species of daring, which led the parties to brave every sort of punishment rather than submit tamely to the wrong inflicted upon them, as in the instance quoted last night of a woman who was held by her elbows on the mill, whilst her legs, which she refused to move, were bleeding from constant collision with the wheel, and her back was scarified by the whip on account of that refusal. The cruelty of the punishment drove the parties to the very obstinacy for which they were punished. He repeated, that in his opinion a very strong case had been made out against Jamaica. Lord Sligo, in the pamphlet which he had recently published, completely justified his assertion. Here Sir E. Sugden read an extract from the 27th page of that work, to the effect that the flogging of females in Jamaica had been carried on to an extent that was astonishing—that no notice had been taken of that inhuman practice by the Colonial Assembly, except by appointing a committee to examine into its existence; but that, nevertheless, there could not be the slighest doubt that this abuse existed in every workhouse in Jamaica. Without reading any further, he should say, that Lord Sligo had in this passage laid it down, that this practice, or rather this abuse, of flogging females, was in Jamaica universal. He did not know how a case was to be made out of a breach of contract on the part of the planters, if it were not to be made out in this manner. You first of all show, that the contract had not been performed in individual cases, and you next show, that those abuses which constitute a breach of contract were universal. In the last communication which had been received from Sir Lionel Smith, and which was dated so recently as the 27th of last November, he said distinctly that there was no hope that the House of Assembly would correct the evils so generally complained of: and he further added, that great cruelty and oppression were still exercised over the negro apprentices, which he could not always control and punish. The local administration of justice was such, that the apprenticed negro could expect no redress of his grievances, no relief from oppression. The Marquess of Sligo said, "In truth there is no justice in the general local institutions of Jamaica, because there is no public opinion to which an appeal can be made. In consequence of this, the grand juries, without the slightest regard for evidence, threw out bills of the greatest importance, affecting persons charged with crimes against the life of their fellow-subjects, the negro apprentices. He could adduce specimens of the evidence set aside by grand juries, which no man in this land of liberty would believe had been rejected by men sitting on their oaths to examine into the truth or falsehood of accusations of the gravest nature. Petty juries showed the same disregard of the safety of their fellow-subjects. He felt justified, then, in saying, that as far as regarded Jamaica, the case of the opponents of the present system of apprenticeship was in a great degree made out; there had been a breach of contract on the part of the House of Assembly, as well as of those intrusted with the administration of the law. Thus Parliament had a perfect right to deal as it should think fit with the question, as regarded Jamaica. What might be done by the House, and ought to be done by them, were very different questions. As a constitutional lawyer, he never had been, and never would be, a party to breaking a solemn contract; no consideration of expediency — no prospective advantage that might arise—should ever induce him to agree to it. It would be proper now to ascertain what the rights of the Legislature in this case were, in order that the West-Indian body might see whether their proceedings, to the extent to which legislation should be carried, were justifiable. A national contract had been formed, which they were not entitled to break. Particular instances would not prove a general abandonment of duty on the part of the colonial authorities, and, therefore, as far as that part of the argument went, the Legislature must hold by their bond. But what was the state of the case as concerned the British nation? Had not the rights which the nation had purchased been outraged by the punishment of women in numerous instances? If the planters were entitled to the benefit of the contract, no one would dare to deny, that the nation, on the other hand, were entitled to the benefit of a contract, bought with so much treasure, to secure the safety, the peace, the happiness and freedom of the negroes. How had that part of the contract been discharged which related to the exemption of females from flogging? Could any equivalent be offered for the barbarities practised towards women under the new system? Had they not been defrauded of the most precious part of the privileges which they had procured for the negroes? He felt, therefore, most strongly regarding the right of the House to legislate on the subject, because the rights of the nation had been infringed, on a point where restitution was impossible. The question now simply was, what was it right to do? The question was not, whether the contract had been broken, and whether the House might interfere—it was a mere absurdity to raise this question in the aspect under which the subject was now presented to the House. There were two propositions before it—one for enacting the total and immediate emancipation of the negroes; the other, for the passing of a bill which would break through some of the most important provisions of the law of 1833, by which the contract was concluded. In either case, that act must be broken through; the authority of the local legislatures would be controlled by the power of the Imperial Parliament, and a great inroad would be made on the rights which the law, as it now stood, gave to the planter, over the negroes. They might take away all those rights, or only some of them; but whether they adopted the one course or the other, the terms of the contract would be altered. What, then, was the remedy to be applied? Which of the courses ought now to be adopted, in order to advance more effectually, the amelioration of the present state in which the negroes were placed? He might remark, in passing, that he could not pay Government the compliment of saying, that they were entitled tothe credit of the ameliorations already effected. Who had discovered the treatment of the negro apprentices? Had her Majesty's Government discovered it? He much disapproved and blamed the conduct of those persons who had discovered it, and who had concealed it for bad purposes of their own, instead of informing the proper authorities, as they would have done, if the feelings of which they had made so much parade really actuated them. They ought to have acquainted the Governor with the outrages which were committed, and he was very far from doubting that her Majesty's Government, when the information reached them, would have immediately applied a remedy to the abuse. He did not doubt this; but he blamed them much, that after the Emancipation Act had passed, they had not paid that attention to the condition of the negroes, which the conduct of the colonial legislatures called for. In the pamphlet of the Marquess of Sligo, which his hon. Friend, the Under Secretary for the Colonies had quoted, there were many passages in which severe censure was passed on Government for neglecting to investigate this important subject, and the want of diligence and activity for which those at the head of the Colonial Office were notorious, was plainly pointed out. The remuneration of the special justices was so small, that it was quite insufficient to pay their expenses, and the consequence was, that when they repaired to any part of the country, to administer justice, they became the guests of the planters, sitting at their tables, and sleeping in their houses; and when the festivities of the day were concluded, and the magistrate rose in the morning, the slaves were brought up to be tried in the presence of their master. This was not the way in which justice ought to be administered; in fact, it was but mockery to talk of justice under such circumstances. He would, therefore, recommend strongly to Government to make a more liberal provision for the special justices. To come now to the question which he had proposed to consider, he could not agree that it would be proper to visit on all the colonies the breach of contract of which Jamaica had been guilty. The planters of Montserrat had already emancipated their apprentices, and it was probable that those of Barbadoes would follow the example. He would rather leave those colonies to accomplish emancipation by a voluntary act than oblige them to consent by a compulsory decree. He could not think it just to extend to all the colonies that punishment which Jamaica alone had fully incurred. It was said by the advocates of immediate emancipation, that the negroes were prepared for it. He must say, that such was not his opinion; and unless much more effectual means of preparing them for freedom were resorted to, he feared that they would not be prepared for it in the year 1840, when the time fixed by the Emancipation Act for finally liberating them should have arrived. He hoped that these preparatory measures would not be postponed till the last moment. A subject of such importance well deserved to receive the immediate attention of Government, that the apprentices, and those who wished to see them rise in the scale of civilization, might be satisfied that due regard would be paid to their welfare. The other colonies had not shown so much disregard of the wishes of the British Parliament, so culpable a neglect of the condition of the negroes, as Jamaica; and there certainly were not sufficient grounds, as far as they were concerned, to abolish the system established by the act of 1833. Nobody could expect that such a system would altogether eradicate former evils; it could not be supposed that the traces of subjection would disappear, while the change made in the relations of the planters and negroes to each other, was merely partial. He should not vote for the resolution of the hon. Baronet, not merely because they ought not to extend to all the colonies the punishment due to Jamaica, but because he did not think that immediate emancipation would conduce to the interest of the apprentices themselves. To emancipate them at once, without previous measures to prepare them for another state, and none such had been taken, would be a dangerous experiment. No one could foretell what might be the result of the emancipation of the non-prædial apprentices, which was to take place on the 1st of August in the present year, and of whom there were in Jamaica alone no less than 50,000. The danger of letting loose the whole negro population at once, would be immensely increased. He was disposed, therefore, to adopt a new law, which would remedy existing abuses for the future, as far as possible, being satisfied that that alternative was on the whole most likely to be beneficial to the apprentices. The bill proposed by Government, however, did not go far enough; it contained no effectual provision for the correction of the abuses which disfigured the present administration of justice. He should like to see the statement made to the House by the noble Lord, the Member for North Lancashire, on the introduction of the Emancipation Bill, taken as the groundwork of this measure, and recited in its preamble—he meant the statement that it was the intention of the Imperial Legislature by the act of 1833, to place the apprentices on the same footing as workmen in England. He should wish to see persons of station and respectability appointed to revise the decisions of the local magistrates, for he could not conceal from the House that, in his opinion, a prejudice pervaded the minds of those judges, which must militate very much against the impartiality of their sentences. There was another important alteration which he should wish introduced into the bill. By the act of 1833, apprentices who had been prevented from working through their own misconduct, were obliged to make up the lost time after 1840; thus if any of them ran away, which he must say they might often be justified in doing, from the cruel manner in which they were treated, or if any of them were imprisoned, they were obliged to remain apprenticed after 1840 for twice the same length of time; so that this actually offered a premium on the imprisonment of apprentices, since, if they lost a week in this way, they were obliged to work a fortnight for their master afterwards. He could not support this bill, unless he were assured, both that more effectual provisions for the administration of justice would be adopted than were contained in it, and that the other abuses which he had mentioned were abolished. At present, the amount of punishment that might be inflicted in workhouses was not defined, and he wished that this should be accurately laid down. He should certainly vote for the resolution, unless he were assured that all vestiges of slavery would cease upon the 1st of August, 1840. He felt that the responsibility of this measure rested with her Majesty's Government, and he certainly would not refuse them his support on this occasion, except on very powerful grounds. He should be prepared to support them in any measures which might be necessary to suppress discontent and secure peace in the colonies, but he must vote for the resolution if they refused to accede to the proposal he had made to them, to take these steps for the benefit of the negroes. He thought, therefore, that he should be able to support the amendment to the motion in case the explanation which he should receive from the noble Lord opposite should be such as he expected; if not, he should feel obliged to vote for the motion of the hon. Baronet. But before he sat down, he begged to say one word with respect to a remarkable letter which had been mentioned in the course of the debate. He thought that there ought to have been, and that there ought now to be, no concealment or disguise on a question like this; and that it was really worth while to consider whether the British Parliament had been legislating on this subject for so many years on a totally false ground. The letter in question stated, as he understood, that Parliament had the power, but not the right, to legislate on the subject of slavery. Now, if this was the case, then he did not know what was to constitute a definite specific right, for the country was not just on the point of emergence from a state of barbarism into one of civilization. But, however this might be, the law for many, many years, had said that the slave was property. This was the statement of the case. Was he defending it? He did not think of such a thing; but he must say, that the sentiments contained in that letter went against all law, and that they were so, as far as all his experience of law went, he had no hesitation in thus declaring in his place in Parliament. He had endeavoured to address himself to this as to a matter on which, as a legislator, he was bound to decide calmly, and he had addressed the House upon it with no feeling upon earth but a wish to explain to his constituents and to the country the grounds on which he had arrived at the opinions which he had stated; and to satisfy them that he had not come to his present conclusion, differing as it did from what his constituents wished, without having entered into an elaborate examination of the whole subject, and without having gone through the whole of the papers connected with it, and fully satisfied himself as to the soundness of the conclusion at which he had arrived.

Mr. *O'Connell* thought it was perfectly plain that the Queen's Government could not resist the demand for negro emancipation. The public sentiment had been pronounced so distinctly, the public feeling had been excited so strongly, that he did not think he was going too far when he said that the question must be conceded. The right hon. Gentleman who had just spoken would find the utter impossibility of carrying out his own principle in any other way than by supporting the resolution, adding, if he pleased, another by way of qualification, but not standing upon the bill proposed by the Government, in which case it would be utterly impossible for him to realise the principle he had himself laid down, or to satisfy his own reasoning on the subject. He had heard some complaints last night of the methods taken to inflame the public mind on this subject, and some persons had treated with disregard the virtues and services of men in the cause of liberty which they did not deserve. The matter was distinctly understood by the people of England. They understood that they had paid 20,000,000*l.*; they knew that they had paid it upon terms. They agreed to pay 20,000,000*l.* upon having an adequate and satisfactory arrangement made in the colonies to work out the Emancipation Bill. That bill was perfectly intelligible to every body. Could there be any difficulty or doubt about the 20,000,000*l.* not being paid until an adequate and satisfactory arrangement was made for giving to the negroes the advantages of the British act of Parliament? The money was paid—that was the first fact. Had there been an adequate arrangement made to give to the negroes the benefit of emancipation? Had there been a satisfactory arrangement? There was neither the one nor the other. A satisfactory meant something more than an adequate arrangement, and every body knew that neither an adequate nor a satisfactory arrangement had been made. The money was paid, and why? He had heard it stated, that this was attributed to the noble Lord, the Member for North Lancashire (Lord Stanley); but any one would easily imagine that it was to be shared between him and the cabinet; and he had been told that the proposal of the payment of the 20,000,000*l.* was to be attributed to a noble and learned Lord who had taken so active a part latterly on the subject. Certainly if the cabinet acted on that noble and learned Lord's advice, he had placed himself in a position not the most enviable when he accused others of doing that in which he was himself a principal actor. The people, therefore, stood in this predicament—they gave 20,000,000*l.* for having the act carried out. The money ought not to have been paid until the carrying out of the act was secured. The money was paid; and now, for the first time, a bill is brought in to carry out the conditions and particulars of the Act of Emancipation. It cannot be denied, that those conditions had not been carried out. If they had, there would have been no necessity for this bill at all, and the very bringing in of the bill was a demonstration that they had not worked out the act of 1833, that the arrangements under that act had not been completed, and that the value of the 20,000,000*l.* had not been given to the people. He thought that this was perfectly clear from the speech of Sir Lionel Smith to the Legislative Assembly of Jamaica, in which he distinctly stated that in some instances the situation of the negro was worse under the present system than before the Emancipation Act. It was, therefore, perfectly plain that the people had been defrauded of 20,000,000*l.*, and the only thing proposed was by a new act of Parliament to endeavour to get for the people the value of their money. But could they recover the four years that had gone by? What compensation could they give to the people for the period that had elapsed since the payment of 20,000,000*l.*, and what for the sufferings of the negroes during that period, against the provisions of the act? Some facts had come out, and had been admitted on all sides, which were of considerable importance to enable them to arrive at a proper practical conclusion. These facts were consolatory enough, as related to the planters; for in every discussion before the present they had heard repeated complaints of the poverty and distress of the planters, of their failing fortunes, their increasing incumbrances, and their diminished profits. They had always come before the House in the situation of persons complaining that their property had been diminished in value, and they implored the House not to take steps towards the emancipation of the negroes, as the effect would be, to accumulate misfortunes upon them. But now the scene was altered, and concomitant with the progress of emancipation of the negroes was the prosperity of the planters themselves. The hon. Baronet (Sir George Grey) read triumphantly a return of the imports and exports of the colonies, which showed that the imports had greatly increased, and consequently showing an increased consumption of all articles in the colonies. This fact, therefore, proved the increased internal prosperity of the colonies. They had, then, in the first place, this fact, that the planters themselves had benefitted by the emancipation. They had also another fact, borne out by entire evidence in all the discussions in which the negroes had been involved, that there was not the least well-grounded cause for saying, that the negroes had not conducted themselves in the manner which their warmest advocates prophesied they would do, and shown themselves perfectly fitted for entire liberty. Those facts were of the greatest importance. The planter was benefitted. The experiment had been made, and the negro had most satisfactorily responded to the experiment. Could there be any doubt, after the speech of the right hon. Gentleman (Sir E. Sugden), that the regulations of the act, and the conditions on which the money was paid, and the apprenticeship created, had been violated by the planters? No man could doubt it. They had, then, a violation of the engagements under which the planters had received the public money. It had been said that there was in this case a contract, and he was sorry to find the right hon. Gentleman give countenance to it, although he must admit, that the right hon. Gentleman did not argue on the terms of a contract, but referred to a *quasi* contract rather than a real one. If there was any weak part in the right hon. Gentleman's able speech, this was the weakest, in which he endeavoured to describe what he supposed to be a contract between this country and the planters. The only objection started to entire emancipation was, that it would be a violation of a contract. But there must be a contract before it could be violated, and he asked, was there any contract on this subject? The first person who appeared to suggest the idea of a contract was Lord Glenelg, but when he did so, he apologised for calling it a contract, as would be seen in his dispatch of the 13th of June, 1835. In addressing the Legislative Assembly of Jamaica, wishing to induce them to give to the apprentices the benefit of the law, he stated, "that there might be said to exist a solemn contract." It must be remarked, that Lord Glenelg did not call it a contract, he apologised for using the word. The right hon. Gentleman (Sir Edward Sugden) did not define what he called a contract. There was an act of the supreme Legislature, legislating of its own authority, and regulating the condition of its own subjects. There was nothing of a contract or a bargain. There were no parties to the contract, and there was no subject matter for the contract to operate upon. Did the noble Lord, (Lord Stanley) when he brought in the bill, state that any arrangement had been entered into with the legislature of the islands? Did he state, that he was holding out terms, or offering conditions on entering into a bargain? He said directly and emphatically the reverse. In his speech, made on introducing the proposition, on the 14th of May, 1832, that noble Lord distinctly stated, that on every occasion the British Parliament had endeavoured to persuade the legislative assemblies, especially that of Jamaica, to enter into arrangements for mitigating the horrors of slavery, and it was the confident expectation of the House that measures would be concerted by the colonial legislatures which should carry into effect the wishes of Parliament.

"It was thought, that the friendly warning of Parliament would be sufficient to induce the colonists to attend to its wishes. That warning, however, that admonitory voice has gone forth, and for years and years, been, I am sorry to say, unheeded and disregarded by all the colonial legislatures; they have allowed it to be lost upon them, they have done nothing to further and accomplish that great measure which the mother country, eleven years ago declared to be so just and so desired. But the voice of warning has been found to speak in vain—the tongue of honest and affectionate counsel has not been heeded. I will not deny, that if we look to the measures agreed upon by the Colonial Legislatures since the period I have alluded to, some improvement may be found in points affecting the physical condition of the slaves; but I do assert boldly, and without fear of contradiction, even from themselves, that nothing has been done of that nature, extent, or character, which may fairly be characterised as a step toward the ultimate extermination of the system. I therefore now call upon the House to take the matter at once into its own hands."*

There was no compact, therefore, with the legislatures. But it might be said, that if there was no contract with the colonial legislatures, there might have been one with the planters, and that they entered into a bargain with the Government of the day, which was sanctioned by Parliament, and which, having the force of a contract, could not on the one side, be violated, without at least demonstrating that it had been violated on the other. There had, indeed, been a meeting between Government and the planters, and what was the result? Mr. Stanley, then Secretary for the Colonies, said,

"He did not wish to speak in the language of complaint; but he must say, that it was impossible to negociate with a body such as the West-India deputation, which attended to hear proposals with authority to object to them, but without authority to offer any suggestion, or propose any modification, in a plan which they rejected. He stated to the deputation distinctly, that it was the intention of Government to carry into effect safely, and if possible, with their concurrence, a complete extinction of slavery, and that such extinction must form the basis of any plan on which Ministers would consent to act. The deputation declared they had no power or authority to propose any plan. Four of the number did, in their individual capacity, offer to his notice a plan, to which he should not have alluded, but that he found it had since been given to the public. The proposal was, that a grant should be made to the colonists of 44,000,000*l.* sterling; that the colonial proprietors should enjoy all existing rights over the slaves, for a period of one-and-forty years; and that that one-and-forty years was to be estimated from the time the 44,000,000*l.* could be paid out of the wages of the slaves, with four per cent. interest, and one per cent. sinking fund." *

As he said before, there was no contract with the legislatures, and it was clear there was no contract with the planters. There was nothing in the nature of a contract. The principle was asserted, that negro slavery should be extinguished; and upon that principle they legislated. They determined to extinguish negro slavery, and the noble Lord, the Member for North Lancashire, was far from thinking, that the planters were entitled to have their negroes purchased by this nation, what was his original proposal? His first proposal was, to lend 15,000,000*l.* to the planters, to enable them to get through their present difficulties. It was but a loan they were to get, to be repaid, and it had no connexion with the purchase of the negro population. And now, when they heard of compacts, and of the violation of contracts, he would call back the attention of the people to the determination which then animated them to obtain extinction of slavery, a determination which might be lulled for a particular period into a tranquillity which should give no manifestation of its existence, but nevertheless, a determination which was not dead, but only slept, and which would rise again, imperatively, to demand that negro slavery should be utterly extinguished, not in name but in reality. The noble Lord, the Member for North Lancashire, in speaking of the determination of the people, used these words—

"There is a growing determination on the part of the people of this country, to put an end to slavery, which no one can deny or wisely despise; a determination the more absolute, and the less resistible, because founded in sincere religious feelings, and in a solemn conviction, that things, wrong in principle, cannot be good in practice? and that determination is expressed in a voice so potential, that no minister can venture to disregard it."

He said now, that that voice was so strong, that no minister could venture to disregard it. The voice spoke emphatically from one end of Great Britain to the other; it spoke from the inmost recesses of Ireland; and that voice was so potential, that no minister could venture long to disregard it; and after the speech of the right hon. Gentleman opposite (Sir E. Sugden), and after the powerful manner in which he had put the violation of the terms upon which we paid the 20,000,000*l.*, after the information that had been spread amongst the people by the anti-slavery societies—the government might get a majority against this motion, but it was substantially carried in that House. He hoped that, on this subject, the House would not exhibit another instance of a want of sympathy between them and the people. The people understood that they had given value for emancipation. The bringing in of an Act of Parliament was a confession that they had not got a return. It was impossible to say, that they had. For four years, the Government had brought in no Act for enforcing the Emancipation Act. Why did they do so now? In November last, the delegates from the anti-slavery societies waited upon Government, and urged them to pass some legislative measure. Government refused to bring in any legislative measure then, but they were bringing one in now; and why? Was it to protect the negro? No; but it was to prevent their having a resolution of that House in favour of the negro, and to make it an excuse to some to vote against the motion, and holding out hopes that something would be done. But the negro must have the protection of a vote of that House, and of an Act of the Legislature. The House must respond to the voice of the people at large. He had endeavoured to show, that there was nothing of what they could call a contract in this case, that there could be no parties to such a contract, and that no value had been received for the 20,000,000*l.* that had been paid. The planters had no right to resist the voice of the people in legislating; they did not want the planters assent, and they did not ask it. But the 15,000,000*l.* of loan were converted into a grant of 20,000,000*l.* The people consented to give this large bounty for the extinction of slavery; but this large sum was given upon conditions which the Legislature had enforced, or intended to enforce. One of the conditions was, that the planter should have the benefit of the services of the negroes for six years. Mr. Fowell Buxton, than whom no man ever rendered greater service to the cause of humanity—than whom no man had written his name on the page of humanity in brighter letters, endeavoured to abolish apprenticeship altogether; and he rembered the prophetic words of the noble Lord, the Member for Northumberland (Viscount Howick) when he declared, on that occasion, that the only satisfactory and safe course was immediate emancipation. The noble Lord was, however, over-ruled; and if the story be true, that the casting voice that overruled him in the cabinet was that of a noble Lord elsewhere, it afforded a strange contrast to that noble and learned Lord's present exertions. It might be said, that he was wrong in making this taunt. He had attended anti-slavery meetings for many years, and no difference of political opinion had ever polluted such meetings except the last. He had met Whigs and Tories, Orangemen and Roman Catholics, all in the same arena, struggling for a purpose that was creditable to their common humanity; and he must say, that political difference, party zeal, or party attack, had never mingled in their proceedings, until the last meeting. And upon what pretence was it introduced? Not because anything was said at the meeting, but because some newspaper inserted something which displeased the noble and learned Lord (Lord Brougham). He therefore said this, that if he were the party who decided by his casting voice against the immediate abolition of apprenticeship, and who was now so exceedingly anxious to effect that object, he envied not his feelings, however much he might envy his great and transcendent talents. But to return to the subject in hand. He would say, that the contract was null. They had granted to the planters a boon of 20,000,000*l.* for the extinction of slavery. But it was not an absolute boon. There were conditions attached to it, and it lay upon the planters to prove, that those conditions had been performed. It was not for him to show, that they had violated those conditions; he charged them with not having performed the conditions of the grant, and he challenged them to the proof. Who asserted that they had performed those conditions? Nobody. He had never heard any one assert that they had done so. No man was mad enough to say so. The only assertion made was, that they had not violated the conditions universally. What was the nature of those conditions? If the planters relied on the performance of those conditions, they must themselves have completely performed them. A part performance would not do. One point out of 100, or 99 out of 100, would not do; there must be a complete performance. But those conditions had been almost universally broken. He appealed in proof of this to the Government, to the hon. Baronet (Sir G. Grey), and to the Bill which he sought to introduce. That Bill itself demonstrated, that the planters had not performed the conditions. After a lapse of four years, Government brought in a Bill to enforce the performance of the conditions of the Act of 1833. What had been done during the four years? What compensation were they to have for those four years? Could they do anything for the sufferings of the negroes all that time? Could they take the stripes off the backs of the female labourers? Could they give a proper allowance of food for those four years? No, they could do nothing to perform the conditions now. Time was the essence of the contract, if contract it was—it was the very essence of the conditions. The object which the people of England had in the emancipation had been utterly defeated. He begged to remind the people of England, that the hon. Baronet (Sir G. Grey), with his highly-cultivated mind, with his full preparation for the subject, and after the fullest research, with all the aid of official industry, came forward to make out his case; and he firmly appealed to the British people upon the case made by the hon. Baronet himself. The hon. Baronet, of course, produced his strongest documents; for if there was one Gentleman more likely to select the documents that suited his purpose, it was no compliment to say the hon. Baronet was the man. The first document cited by the hon. Baronet was from a despatch, dated the 9th of July, 1836, and which was as follows:—

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* Hansard, (Third Series), vol. xvii. p. 1198.

* Ibid. vol. xviii. p. 137.

> “ I have the honour to enclose herewith the usual quarterly reports of the special justices in original. The most striking feature contained in the majority of them, is the increased kindness of the managers to the apprentices; they have, in fact, found from experience, that the most advantageous manner of managing them is, by conciliation. While, however, this is distinctly stated in several cases, I am sorry to say, it is not universal. I know several attorneys who continue their old system of exacting the pound of flesh, which, I unhesitatingly pronounce to be the worst possible policy, and that many a proprietor in England will deeply suffer, if they do not throw on one side all the nonsense which is so prevalent about the negro character not being known.” . . . . “ Now the desire to annoy the people has much ceased, though it exists in some places still. At first, however, I am quite certain, that several of the lowest sort of book-keepers and overseers have, out of spite to the Bill which set the slaves free, determined to annoy them; this, of course, did much harm; and I the more rejoice at the report, that this feeling seems to have rapidly passed away. These people have, in many instances, had all their former allowances of food and indulgences stopped from them, and for some unwillingness to labour, or some reason, whether deservedly or not so, their Saturdays are often taken from them. How, then, are they to exist but by theft? The cases are, however, not very general, and some bright examples of kind and good conduct are to be seen in all parts. I would particularly call your attention to the beneficial effects of the humane system of management exemplified in Mr. Baynes's reports of the parish of St. John's, where Spring Vale, under the management of Mr. J. Wright Turner, exhibits an absence of complaint which is quite extraordinary.”

Now, what was this brought to prove? The well-working of the Bill, though there was the solemn attestation of the Governor in his despatch, to the malpractices which had occurred under the law, to be placed in juxta position, with the single exception afforded by the management of Mr. Turner, in Spring Vale. It was not he who read this; it was the Colonial Secretary: and it was adduced to support the case, that the conditions upon which the Act proceeded were complied with, simply and solely, because no complaint proceeded from one district called Spring Vale. [Lord *Stanley*—“ Hear!”] Would the noble Lord cry “ hear!” to that part of the despatch in which the frequent departures from the law were dwelt upon, and in which it was stated, that there still were attorneys who “ exacted the pound of flesh,” and who, in the insolent spirit of half-defeated tyranny, persisted in their cruelty towards those unhappy men for whose liberation we had paid 20,000,000*l.* of our money. Did the noble Lord cheer now? Did he approve of such practices? The noble Lord talked of the “ extinction” of slavery, and he used the same expression regarding another matter; and in both cases, the thing continued only in a more aggravated form. And this plan was the proof of the noble Lord's wisdom; this apprenticeship system, by which he overruled the proposition of the noble Lord, the Secretary-at-War. But there was another passage in a despatch of the Marquess of Sligo, dated 1st August, 1836, in which that noble Lord says,—

> " Your Lordship having been pleased, in your despatches of the 24th of April, and of the 14th of June, to direct me to turn my attention to some enactments to remedy the deficiencies in the abolition law, for the purpose of preventing the perpetration of such cruelties as are therein alluded to, I have the honour to state, and I do so with much pain, that the necessity for such enactments becomes every day more and more apparent to me; and that the hope I entertained of the existence generally of ameliorated feelings, though justified in many instances, is not universal. I must, however, remark, that the prevalence of such a system, as I must consider to be objectionable, is in particular districts only; still they must be provided against; and though much blame has attached itself to me, for having used on a former occasion the same language, I again say, advisedly, that the remedy must come from home."

Now this despatch was written more than two years ago, in which distinct warnings were given, and special instances of the working of this law were supplied, which demonstrated, that the conditions on which this Act passed, were not performed, and that every species of cruelty still continued to be perpetrated. The government was called on then by the Marquess of Sligo, to legislate, in the year 1836.—They did not legislate in 1836—they did not legislate in 1837—they did not legislate in 1838, until they introduced an amendment on a motion, which, if carried, would make all further legislation on this subject totally unnecessary. But see how they confirmed the case on which he relied by their Bill. He thought every part of that measure was calculated to do so; but there was one topic in it on which he should reply at some length, because it was omitted by the hon. Gentlemen who so powerfully introduced the present motion. Why, the very preamble contained a distinct admission that the conditions of the Act were not complied with, for it said, " whereas it hath since appeared that further provisions are necessary for the protection of the apprenticed labourers in the said colonies, and for giving full effect to the intent and meaning of the said Act for the abolition of slavery." Who said this? The advocates of the resolution? No; but the opponents of it: those who talked of " compact" and the " violation of engagements." These were the men who admitted, that up to the present moment the Abolition Act had not been carried into effect, and that further enactments were necessary to give it operation. Why we gave away our money four years ago; we paid the purchase-money four years ago; and why within that period of four years which had elapsed—why not in November last—declare that the negroes had been so ill-treated that the Government had determined that they should have two days of the week to themselves—namely, Friday and Saturday? No; they preferred to withhold all legislation until they now came forward with a measure, not for the benefit of the negro, but in order to prevent the benefit which must result from this resolution being carried. The Bill then went on to appoint a kind of dictator. Now, he did not complain of this; but why did they not appoint him in the beginning, before the negro suffered four years of bondage? "And that," continued the hon. and learned Gentleman " is the only remedy which you now propose for the evils which you acknowledge to exist. Yes, for you never can legislate against nature itself, and expect humane, and generous, and beneficent feelings from those who are made the taskmasters of their fellow-men. There are some men amongst the planters as remarkable as any in the community for their honour, integrity, and charitable feelings; but I speak of the general and overwhelming mass of the proprietors, and, above all, of the lower instruments of power—the attorneys and agents. Legislate for them you cannot. You cannot possibly intrust to any man dominion over another, and expect that he will adequately discharge the responsibility which he thus incurs. You cannot give one man a property in the labour of another, and hope that his conduct will be free from fault. Well, after four years of admitted suffering, you depute a dictator of limited authority to do that justice to the negroes which you have failed to afford them. I do not stop to inquire why this Bill does not give full discretionary powers to the governor, and make him not a one-handed or left-handed dictator, but invest him with authority to emancipate the negro if he should think fit. I am not asking you to do that, but something else infinitely better. What is the next clause of the Act? How characteristic is the section which follows that establishing a despotism! It is to allow the negro the time spent in going to and returning from work. If any man in England had stated a doubt, when this Act was under consideration, that the master would require the negro to go to his work two or three miles, and work eight or nine hours, without allowing for the time spent in proceeding to and returning from the place of labour, he would have been laughed at? If the negro were to remain at home for two or three hours, could the master be persuaded to consider time so spent as consumed in his employment? And yet, when he transported him three, four, or five miles in a day, he did not make any allowance for the time thus passed in proceeding to the place where his work was to be done, but deducted it out of the miserable remnant of his labour, allowed to the apprentice after the proprietor's claims were satisfied. Was that the intention of the Legislature? It was not? Was it the intention of the Government? I submit it was not. We prove, that neither one nor the other had any such view by now enacting this clause to remedy the universal violation of the conditions of the Act, and to prevent a further spoliation of the negro's time, in addition to the deprivation of four years, which he has already undergone. Do we propose to give him any compensation? I have heard a great deal of compensation. I always thought the negroes deserved it at our hands. He, at all events, now deserves that which it is our duty to give him, and which all England demands—his liberty. It is impossible to do justice otherwise. The master obtained a title in the negro's labours only on conditions; and it is impossible for the Government to resist the emphatic declaration that these conditions have been violated, and that the negro ought to be free. What is the next clause? It provides that their customary allowances shall be continued to the negroes. Is it not quite clear and known to everybody that by customary allowances the law intends the apprentice should be allowed so much as to afford him, in the absence of wages, a full subsistence? What has been the operation of the law in this particular? Look to Sir Lionel Smith's last speech to the Jamaica Legislature, where it is said, that in some instances the apprentice is in a worse condition than the slave, Was it for this we gave the twenty millions? Was it that the negro should be stinted in the article of food? Oh, if there is anything which appeals with irresistible force to the human heart, it is the condition of a man who works without wages, and who even then is not mercifully treated! And shall it be said, that the people of England will endure the continuance of such monstrous abuses? Oh, but it is said, that we cannot complain of the continuance of this system, when two-thirds of the period of apprenticeship have already elapsed. Well, I ask you to give the negro the remaining third, which is the only relief he can now obtain at your hands. The advocates for immediate emancipation are taunted with referring to particular instances, and not establishing anything like universality of abuse? Why, one of the clauses of this Act gives every justice who thinks fit the power of visiting prisons. And again, the 5th section of this Act states, " that the proprietors of estates should furnish apprentices while in confinement or in hospital with food and necessaries." Though the word hospital is introduced, there is no provision for what would seem a necessary consequence—medicine. Do you think it safe to leave the construction of this provision to the planters, and while you impose on them the obligation of providing food and necessaries, leave their discretion unfettered as to that which would naturally suggest itself to the mind of any man legislating for the wants of those negroes, namely, medicine? This only shows how hopeless is the attempt to legislate on this subject in its present position. The next point touched upon in the bill applies to the valuation of the apprentices on seeking their discharge. Now, was it not intended that the apprentice should be set free as soon as he gave proof of his ability to enjoy a state of liberty; and is it not notorious that just in proportion as he showed himself to be industrious, the price of his liberation accumulated, and the law was so arranged that he was shut out from the advantage of purchasing his freedom at a fair valuation? And what are you now going to do? After four years you give him that right of obtaining a fair valuation, which you ought to have secured before you paid the money for his obtaining this privilege. And let it be ever remembered, that while you had the money in your exchequer you could have obtained any stipulations which were necessary to ensure to the negro those advantages which you now make a tardy effort to confer upon him; but with preposterous haste you distributed the money without protecting the negro, or answering the claims of justice and humanity. It is next provided that no person shall be committed as a vagrant except by a stipendiary magistrate. This clause bespeaks a foregone conclusion —that any man found beyond the estate to which he belonged had been hitherto denominated a vagrant. And this is placed beyond doubt by the next provision, which requires that the negro should use a pass in going from one part of the country to the other. So that here is a freeman—for the apprenticed negro is entitled to that appellation when he has discharged his forty-five hours' work in the week—debarred from the right of going from one place to another! The evidence is full of instances where men, desirous of visiting their wives and families, have been prohibited by the owners from passing the boundary of their estates. What is this but to make every plantation a prison, and to prevent a freeman from going beyond the limit of his task-master's property. I am not resorting to any doubtful evidence, but to the confessions emphatically made by the provisions of your own act of amendment. The next clause prohibits the flogging of females. Why I thought we had taken steps to prevent that in the Imperial Act. It is true in the first draft of the act all provision for this grievance was omitted, and I claim the honour of having placed on the order-book a notice to supply this defect. It is true that this point was very properly taken out of my hands by the noble Lord (Stanley), but I am not on that account the less anxious that this exemption should be full and complete. Has the provision inserted in the Imperial Act been carried into effect? I remember well how powerfully the noble Lord, in his eloquent speech on introducing the Emancipation Act, pointed out the unmanly cruelty, the total want of generous and noble feeling exhibited by the Members of the colonial legislatures, who could not be prevailed on to give up the whip, "even in the case of the female," not to speak of going so far as to abolish flogging altogether. The noble Lord thought he had secured that object. He applied his powerful and ingenious mind to the subject with a view to give effect to his wishes; the clause was maturely framed and carried by the Legislature. Did it succeed? It is admitted it did not. And was it not one of the conditions, the most dearly cherished conditions, of the boon of six years' apprenticeship granted to the planters? It must be admitted—heaven help the man who can doubt it!—that the people of England acceded to the payment of the 20,000,000*l*. principally because they expected that this condition should be faithfully observed. The women of England, who have sent up uncounted millions of petitions in favour of the emancipation of the negroes, lent their countenance to the Imperial Act because they were convinced that it would have the effect of rescuing the unfortunate beings of their sex from the degradation, cruelty, and torture, of the lash. The noble Lord did everything he could to make this clause as stringent as possible. The Legislature did everything it could to assist him. But both totally failed; and this diabolical and atrocious violation of the express enactment of the Legislature some men have now the hardihood to designate as part of a contract which ought not in the slightest degree to be touched. Sir, the people of England laugh to scorn such a notion. You have heard within this House the noise occasioned by the congregated Dissenters who besiege your doors. And who are they that have raised this cry of immediate emancipation? Are they the idle and the violent agitators who look to the convulsions of the state, and disregard social order; men who look to the chances of revolution as holding out the hope of their being possibly useful to their interests? No; they are the steadiest, soberest, most industrious, and most respectable men, differing from me as to religious forms, but holding out in their conduct the happy spectacle of religious zeal mixed with religious charity. They are men who do not care for distance of country or difference of clime, but risk their health as scattered missionaries of humanity, and have travelled at their own expense to the remotest corners of the globe in order to indulge the noble gratification of doing the work of their God by benefiting his creatures. These are the men that you think to put off by a passage of Lord Glenelg's speech or a solitary instance of a colony in which the apprenticeship system has worked well. Recollect that four years have gone by, and that sufferings have been endured for that period, and yet two years more are now to be thrown in to answer the purpose of your present "hit or miss" kind of legislation. If you think they will bear this, you mistake the men. They have too much good sense and good feeling not to determine, should you reject this motion, to redouble their efforts, and to send up to your table 500,000 petitions, besides crowds of deputies, who will peaceably and quietly stand before your door, but who will insist on having freedom granted to the negro. They are enlisted in a cause too good and too sacred—dear as it is to humanity, and consecrated to religion—to admit of their respiting their exertions for a single moment until they succeed, as they ought to do, and until the last fetter is struck off from the limbs of the negro. But this bill contains one or two other provisions for compelling compliance with the conditions of the Emancipation Act. At this moment the distinction between prædial and non-prædial has not been ascertained. The hon. Baronet (Sir G. Grey) stated last night that if you passed a law in accordance with the resolution, it would not reach the West Indies until a day or two before the 1st of August. Now I shall ask in turn, what is to be the effect of his legislation, delayed until the 1st of August, for distinguishing prædials from non-prædials? How many a man, then entitled to his freedom, will be condemned to the illegal sufferings of slavery! The Jamaica Legislature have pertinaciously refused for four years to pass an act on this subject which you ought to have compelled them to have done in the first instance. It took myself a fortnight to understand the distinctions between prædial and non-prædial, attached prædial and non-attached prædial. Now, if ever there was a case which required that you should depute some high Commissioner for its settlement, it is that to which I have referred. But is it not insufferable that you should allow three—four years to pass without legislating at all on this question, and that you should pass a law which enables a man to augment his property at the expense of another, by raising the value of non-prædial over prædial slaves? This is a matter on which the public sentiment cannot be checked. Dust may be thrown in the eyes of good men; delusions may be practised on honest men; but let me ask whether the Lord Chief Justice of the King's Bench would have volunteered an opinion if his conscience did not call on him to promulgate it? I am entitled to ask who appointed the noble and learned Lord; who declared him to be the fittest man to preside over the first bench in the British dominions, which decides on questions relating to the honour, the lives, and the property of her Majesty's subjects? The present Government. They, at least, are precluded from saying, that he is not a man competent to his situation; and when he has stepped out of his usual course at the call of justice and humanity, his opinion may be called extra-judicial; but he has proclaimed, with all the solemnity and sanctity of his name, that there is no contract to prevent us from doing justice. I have, of course, wearied the House; but I think I have established these propositions, that the West-India planters have been greatly benefited by the emancipation; that complaints of distress and difficulty are no longer heard; that the imports are increasing, and the exports diminishing; and that the negro population have completely vindicated their character, and read an emphatic lesson to another country calling itself free, and boasting of its democratic institutions, to prove, when they speak of dangers to be apprehended from the brutalised negro, that he went through an apprenticeship of full four years, that his conduct was scrupulously watched, regularly attended to, and cautiously reported, and that he came out of the trial with the full praise of possessing all the kindly and warm feelings which belong to the social character, and of demonstrating his desire to ameliorate his condition, and to benefit the objects of his choice and love. What is the next proposition? I have proved that there was no compact, and that there were no parties to it; for that the Legislatures of the Colonies, though not disregarded by the noble Lord (Lord Stanley) were treated with that high hand which he had a right to use. I have next shown that this case is one on which the House is called upon to legislate, and on which it is not necessary that it should depart from any of its ordinary functions and powers. The hon. Baronet (Sir G. Grey) has said that the law of the country admitted a state of slavery. I utterly deny that declaration in the sense in which it was made; and I put it to this test, that if a negro were brought before him as a judge in 1833, and his purchase proved, he could not have handed him over as property to the owner. I admit, that the law suffered the practice in the Colonies. Why? Because the arm of the law of England was not long enough to reach them; and because the writ of *habeas corpus* did not run into those colonies. But the moment the slave appeared at the bar of the King's Bench the title of the master was gone. But looking to the high power of the Legislature to decree the extinction of slavery, seeing that emancipation was granted in a manner most advantageous to the planter, who got a large sum of money, which, though I opposed, I should not now regret if I obtained value in return, and maintaining that the apprenticeship was given on conditions, I now stand on my last proposition, that these conditions were not performed, and that you may as well attempt to call back the waters of the Thames on which the late snows drifted as to resist the demands which are made to strike off the last fetters of the slave, and to make him what the people of England intended him to be.

Mr. *Plumptre* felt himself bound by the contract wich had been entered into. It had been argued that the House ought to accede to this proposition, on the ground of justice, humanity, and religion. He was not satisfied that on any of these grounds they were called upon to accede to the proposition of the right hon. Baronet. Were they certain that they were consulting kindness and humanity in acceding to this motion? It had been argued that, because the negro had been punished severely in some cases, justice demanded you should give him general emancipation. Was this justice to the planter who had treated the negro with kindness? Neither on the ground of religion could he accede to this motion. If it were true that he should be committing an act of justice by acceding to such a proposition, he never could sanction the proposition which would lead him to do evil, that good might come. As to the negroes themselves he more than doubted that it would be consulting their good, if we were to say to them, knowing how utterly unprepared they were for free labours, and to meet the temptations which they would be exposed in their sudden emancipated condition, "You are at liberty to go where you please, and do what you like." The hon. Member then proceeded to contend that this question, if carried at all, should be carried without passion or prejudice. His mind was made up that he had a solemn duty to perform, and however displeasing his vote might be to his constituents, he must give it against the motion of the hon. Baronet, and support the amendment. He could never bring himself to sanction any violation of a solemn compact.

Viscount *Howick* spoke as follows: *— The deep interest I have for many years taken in the subject before the House, and the share I had in the discussions upon the measure, which it is now proposed to alter, have rendered me anxious to state the grounds of the vote I am about to give, as early as I can, in this debate. If that vote depended upon the question, of whether the system of apprenticeship were one of which I can approve, upon whether my present opinion were different from that which I entertained in 1833, as to the course which it would then have been expedient for the legislature to adopt, if this were the question now to be decided, I should not hesitate for a moment in giving my vote in favour of the motion of the hon. Baronet. The experience of the five years which have elapsed since this measure was passed, has only confirmed and deepened the opinion I then entertained, of the inexpediency of adopting the system of apprenticeship. But, unhappily, political errors can seldom be redeemed, by retracing false steps which have once been taken. It too generally happens, that by so attempting to go back, instead of correcting, we should only aggravate the evil consequences of the original mistake. Such, I believe, would be the case in the present instance. The result of adopting the proposition of the hon. Baronet, would, I am convinced, be only to increase the ill effects of the error we before committed. Such, Sir, is my opinion of the present question, and I fear, it will be necessary for me, in order to support this opinion, to trespass upon the time of the House, by endeavouring to place before you a review of the circumstances which led to the adoption of the measure it is now proposed to alter; and the consequences, which, as it appears to me, would be likely to follow from such an alteration.

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In the first place, then, I must remind the House that the plan of interposing between what was called the Abolition of Slavery, and the time when perfect emancipation was to take place, an interval during which the slaves were in some modified shape, to be under the control of their masters, did not originate with those who were connected with the Colonies. This plan was not suggested by any person interested in colonial property, but was brought forward by the then Government, of their own free will, unsought for, and unrecommended by any other parties. The measure was received also, with the general sanction and approbation of the House. I must remind my hon. and learned Friend behind me (Dr. Lushington) that he, and those who had long taken the greatest interest in the cause of the slaves,did not, when the question was first brought forward by the Government, concur in objecting to the principle of apprenticeship; they expressed, indeed, their strong disapprobation both of the period for which the apprenticeship was intended to last, and also of many of the conditions attached to it; they directed their efforts towards obtaining amendments in these respects, and being cordially joined by myself, and others who would have preferred resisting the system altogether, these efforts were partially successful, and we obtained from the Government several most important modifications of the original scheme; but the leaders of the anti-slavery party, both in and out of the House, refused most distinctly, to join in resisting, in the first instance, the principle of some sort of apprenticeship.

When I say this, let not my hon. and learned Friend suppose that I mean to cast the slightest blame upon him, and upon those who then acted with him. Far from it; I am well aware of the high and honourable motives by which they were actuated; and how valuable had been their services, during the many years in which they had devoted themselves, with so much zeal and so much ability, to the great cause of humanity. But with all respect for them, I must think that they did fall into an error; but an error into which it was very natural that they should fall. However easy it may now be to look back, and to say, that apprenticeship was altogether unnecessary, that it is merely a system of modified slavery, which was useless as a means of arriving at ultimate emancipation; such certainly was not, some years ago, the general opinion, either of the House or of the country. At that time, persons of all parties, and, I might almost say, of every shade of opinion, were agreed upon this as an admitted truth, that Slavery could only be gradually abolished. Such was the opinion of Mr. Burke; such was the opinion of Mr. Canning, who, if I mistake not, said, that we must take off the fetters of the slave, link by link, until he had at last become a free man. Such was also the opinion of Mr. Buxton, whose services we must all so much admire, and whose absence from this House, I, for one, so deeply lament. Such was, in fact, the general and universally received opinion, which prevailed some time ago, upon this subject. I certainly do not mean to assert that I was myself at first exempt from participating in this, as I now think it, general and unfortunate error; on the contrary, for a long time after I turned my attention to the subject of slavery, I was content to believe almost without examination, as a truth too self-evident to be disputed, that emancipation could only take place by degrees; that the proper mode to effect it, was to endeavour gradually to mitigate its evils, and to remove the restraints to which the slave was subject, until he should eventually become free. It was only after I had for some time had the honour of holding the office of Under Secretary of State for the Colonies, when it had been my almost daily duty to watch over the practical working of the attempt to carry this idea into effect, when I had for two years had the opportunity of observing the constantly recurring difficulties which arose, and the impossibility, even with the most favourable means, of working out the scheme of gradual emancipation—it was only by this experience that my eyes were at length and slowly opened to that, which I am now prepared to maintain was an error and a delusion, into which I, in common with all around me, had previously fallen. I was at last convinced, that the vice of slavery is in the very principle of slavery itself; that if one man is to have an interest in the compulsory labour of another, it is utterly fruitless to endeavour to guard against injustice and cruelty by any number or description of checks and regulations.

It is impossible that a man doomed to the odious and hateful task of labour, in which he has no interest, but of which all the fruits are to be reaped by another, should be stimulated to exertion, otherwise than by severity. Forced labour of this description, in whatever part of the world it is performed, and by whatever name the labourer is called, whether he is a slave, a convict, or an apprentice, must always, by the deepest-seated principles of human nature, be unwillingly rendered; and if this labour is to be effective, you must necessarily arm the person who is to profit by it with power to inspire that fear, by which alone it can be extorted; and, if you give this authority to one man over another, it is impossible to prevent its being abused.

Such was the conviction which forced itself upon my mind, after two years experience of an attempt, I must say, most zealously and honestly made, by my noble Friend, the then Secretary of State for the Colonies, to work out the principle of the resolutions adopted by this House, in the year 1823. Then it was, that I came to the conclusion, that we had been proceeding altogether in a wrong course, that our object ought to have been to put an end at once to the system of giving to the master an interest in the compulsory labour of the slaves, in order to place the slaves in such a position that, by moral motives acting upon his will, he might be stimulated and trained to industry. I was then farther convinced that all that had been said about training slaves, while kept in a state of slavery, in order to teach them habits of industry, and thus to make them fit for ultimate emancipation, was the veriest nonsense that had ever been imposed upon a nation. How is it possible to teach men the value of industry, by forcing them to labour, and allowing all the fruits of their labour to be reaped by their masters? All experience shows, that to place men in such a situation, must have a precisely contrary effect, and must associate labour with the idea of pain and degradation. Is it not known, that in our convict colonies, the industrious British labourer is almost ashamed to labour, lest he should put himself upon a level with the convicts? Do we not see that in the southern states of the American Union, and in Barbadoes, the white race will submit to almost any extremity of privation rather than have recourse to labour, which is degraded in their estimation, by being usually the lot of the despised and miserable Negro? In every country, a system of forced labour makes labour hated and disgraceful. What, then, is the meaning of training and preparing the negroes for industry when emancipated, by a system which has the distinguishing characteristic of slavery, that of requiring the performance of compulsory labour, for another's benefit? The idea seems to me, to be absurd, and when, at the period of which I am speaking, I came to this conclusion, I endeavoured to press it upon the consideration of the Government, and I most earnestly recommended the adoption of a measure, for the complete and entire abolition of slavery.

But it would not have been reasonable to suppose, that the long-continued and deeply-rooted prejudice which then existed, as to the necessity of proceeding by degrees,—a prejudice that had scarcely been combated by any one, should have given way to so humble an opinion as mine. In the first instance, indeed, I had reason to entertain the cheering hope, that the views I had adopted upon this subject would also be adopted by the Government, I had reason to believe, that several Members of the Government were prepared to act upon the opinion I have enforced. It is notorious to the House, that a measure founded upon the principle I have just endeavoured to lay down, was submitted by my noble Friend, the then Secretary of State for the Colonies, to those interested in West-Indian property. It is also, I believe, well known, that this proposal, unfortunately, was not combined with an offer of those pecuniary advantages which were afterwards given. To this scheme the West-Indian body threatened their most determined opposition, in case it should be brought forward; and, in defiance of this opposition, the Government, upon full consideration, determined that it would not be prudent to proceed. I endeavoured, but in vain, to obtain the re-consideration of this decision; the risk of acting in direct opposition to the whole body of the colonial proprietors was thought too formidable to be encountered; and above all I found that the fact of such being the decided opinion of the noble and learned Lord, who then held the high office of Lord Chancellor, outweighed all the arguments I could urge. Nor could I expect it to be otherwise—his extraordinary talents, the active part which, immediately before his accession to office, he had taken in favour of the slaves, naturally gave an overwhelming weight to his opinion upon this subject in the minds of his colleagues, and induced them to conclude, that a measure for the benefit of the slaves, which he thought too extensive and too dangerous to be attempted, was one which it would be impossible to risk; and I soon found, that even those members of the Government whom, shortly before, I had believed to be prepared for a large measure, now altered their views of the subject. The consequence was, of course, that I was obliged to declare, that I could not continue in office; but before any new arrangement could be made, from causes quite unconnected with this question, my noble Friend, the then Secretary of State, took another office, and was succeeded, in the Colonial Department, by my noble Friend, who now sits opposite (Lord Stanley). A few weeks afterwards, my noble Friend (Lord Stanley) brought forward the resolutions which were the foundation of the measure, which was afterwards passed into a law. These resolutions, as I have already observed, as far at least as their principle was concerned, met with the general acquiescence of the House. The hon. and learned Member for Dublin, Mr. Buckingham, then Member for Sheffield, and some others, perhaps, forty or fifty Members in all, concurred with me in protesting against the system of apprenticeship altogether. But that there should be some such step taken, that the master should have, under some conditions, and for a limited period, an interest in the labour of the slave, and that the slave should be subjected to the obligation of giving that labour, was a principle so generally received at the time, that it obtained the consent of at least nine-tenths of the Members of the House.

Sir, I have been obliged to enter into this detail, and to call upon the House to take this retrospect of the circumstances under which the measure for the Abolition of Slavery was carried, because they have the most material bearing upon the matter which is now before us. The whole question we have to decide, in fact, hinges upon these circumstances. It is scarcely possible that a great arrangement could be adopted in a manner which more completely pledged the legislature, not subsequently to alter it, so as in any way to damage the interests of the parties affected by it. The measure, as I have shewn, was brought forward, numbering among its supporters every one of those who had taken the most distinguished part in advocating the Abolition of Slavery; it fixed, for a definite period, what was to be the condition of the apprentices, with an express understanding that, during that period, no further alteration should be made by the authority of Parliament. But this is not all; when the Act was passed, and reached the colonies, it is well known by hon. Gentlemen, who watched their proceedings, that the local legislatures shewed so little favour for the system of apprenticeship, that the slightest exercise of the influence of the Government would have been enough to determine them to give a preference to complete emancipation. Had this influence been used, and especially if there had been only a very trifling degree less of easiness than was actually shewn as to the terms upon which these legislatures should be declared, in the words of the Act to have made "adequate and satisfactory provision" for the Abolition of Slavery; there can be no doubt whatever that to entitle themselves to the compensation, they would, probably, all have done away with slavery altogether, as the island of Antigua actually did. Nay, more, it is well known, and the files of the Jamaica newspapers would confirm the statement, that in the Assembly of that island itself, in that body which has been so much abused, there was so numerous a party, and so strong a feeling in favour of complete emancipation, that it is very doubtful whether this would not have been the line preferred, if the governor, acting in accordance with the policy of the Home Government, and of the Legislature, had not discountenanced, rather than encouraged, any such project. Such being the case, let me ask, whether it would be fair—whether it would be just—now to change and overturn an arrangement which was thus come to, and thus sanctioned, unless some unanswerable reason for doing so can be shown to exist.

We are told that there is such a reason; the hon. and learned Gentleman, who spoke lately in the debate (Mr. O'Connell) endeavoured with great force and ability, to shew that there had been no contract, and that, if there had, it had been broken. Now, I conceive, that my hon. Friend, the Member for Devonport, had already, last night, most completely demolished this argument. My hon. Friend showed, that the abuses upon which so much stress had been laid, were the exceptions to the general practice, and not the rule as might be supposed, from the manner in which they have been brought forward; that for the future also, they would be guarded against and prevented by the Bill which he had proposed now to read a second time. For my own part I confess, that my surprise is not that there has been so much ground for complaint, but, on the contrary, that the system has, upon the whole, worked as successfully, and as prosperously as it has. In my opinion, the legislature has great reason to congratulate itself that the dangers and difficulties which were anticipated, have not proved to be of a more serious character.

In expressing this opinion, and in employing these arguments, let me not be misunderstood as wishing to intimate that, in my judgment, it is desirable that the apprenticeship should continue to the period now fixed by law, or that the mere pecuniary interest of the masters of those apprentices would be any sufficient reason for rejecting the motion before the House, if it could be shewn that justice to the negroes required that this motion should be adopted. I am far from meaning to advance either of these opinions. I should hail with the utmost satisfaction, the earliest possible termination of the apprenticeship, provided (but this is most material), provided, I say, that that termination took place not by the authority of Parliament, but by the authority of the Colonial Legislatures. I admit, also, to the hon. and learned Member for Dublin, that the claims of the negroes cannot be shut out by any compact between this nation and their masters.

If justice to the negroe requires that we should put an end to the system of apprenticeship, we are bound to do so, and if, by taking this course, any pecuniary injury is done to the Colonial proprietors, this may give them a claim upon us for further compensation, but it can afford no justification whatever for withholding from the negroes, that which we admit to be their due. But, setting aside any mere pecuniary claims of the masters, I must reply to the hon. and learned Member, by saying, that Parliament is bound to adhere to the compact, or understanding, or whatever it may be called, by which the existing arrangement is secured, upon the ground, that the apprenticeship system, not having been sought for by the Colonial Legislature, or by the West-Indian proprietors, but having been the unsolicited act of the British Government, and the British Parliament, we have no right now to unsettle that system, to the injury, not only of the pecuniary interest of the Colonists, in the services of their apprentices, but of those far higher interests which would be affected, by alienating from each other, the different classes of society in the Colonies, and lowering the Colonial Legislatures in the eyes of the population, which they are permanently to govern. In this sense, I contend, that any fresh interference, by Parliament, with the existing arrangement, would be a breach of compact, and an injury, not only as regards the whites, but also the negro population of the Colonies. I have always considered it a matter of most vital importance, that the change now in progress in the constitution of society, in our Colonies, should be accomplished, without any interruption of their regular industry, or a sudden cessation of the existing system of cultivation. I consider this of importance, not merely on account of the interests of the Colonial proprietors, and of the numerous class of persons in this country, dependent upon them,—not merely for the sake of our own commerce, nor even of the immense slave population in the dominions of other States, but for the real welfare of the negroes themselves, because their real happiness, and their real interests, would be best promoted, not by their escaping from their present bondage into a state of barbarous indolence, but, on the contrary, by their being placed, when free, in a situation, in which they would be induced to continue in a course of industry for their own benefit, by which the Colonies might be maintained in the condition of civilised communities. This is, what I believe the real interests of the negro to require, but the hope of such a state of things being realised, would be greatly diminished, and the interests of the negroes, therefore, most materially injured by any act, on our part, having a tendency to alienate the masters from their apprentices.

Now, Sir, it appears to me, that our adopting the Motion of the hon. Baronet, would have this tendency in the very highest degree, since it would be condemning, by the authority of the British Parliament, the conduct of the Colonists under the Act of 1833. To set aside the arrangement thus come to, upon the express ground, that the Colonial proprietors have not fulfilled our just expectations, that the alleged abuses have really been so great as to make this course necessary, would be to stamp the whole body of Colonial proprietors, in the opinion of the apprentices, and in the opinion of mankind, with the stigma of the vilest and most scandalous misconduct. We have no right so to stamp them; or to take the course which has been recommended, without, at least, giving to the Colonial Legislatures an opportunity of considering, whether, if the system of apprenticeship, which they never asked for, is now to be abolished, they would not take to themselves the merit of carrying at once into effect that change, which, under the law as it stands, would not happen for two years longer. The argument, then, for which I contend that we are bound to adhere to the arrangement that was made in 1833, does not rest upon the pecuniary interests of the masters in the services of their apprentices, but upon the much higher ground, that this arrangement having been adopted by the Colonies in deference to our views, this acquiescence on their part, most assuredly ought not to be made the means of inflicting upon them the great and lasting injury, of exasperating the irritation which, I fear, exists between the various classes of society. I have always considered it matter of minor importance, what is to be the immediate effect of our measures, in comparison with their result, as to the state which society, in the Colonies, is ultimately and permanently to assume. In this respect, I have always thought, that the measure adopted in 1833 was liable to great objection. By deferring the period of emancipation for six years, the gratitude which the planters felt, in the first instance, for the pecuniary compensation awarded to them, was likely to be, in a great degree, forgotten, before the time for trying the great experiment of giving entire freedom to the negroes should arrive; and, in like manner, the joy and thankfulness with which the negroes were sure to receive the unexpected announcement, that they were to be free, would be succeeded by those feelings of anger and disappointment, which the continuance of the system of forced labour for six years after this announcement, was calculated to produce. Both parties would be placed in a relation to each other, which could hardly fail to create mutual animosity and ill-will; since the planters were to have a claim to the services of the negroes, which they would have no adequate means of enforcing; and the negroes, on the other hand, after being excited by being told, that they were no longer slaves, would still find themselves called upon to submit to that which had made slavery most odious; thus, bickering, and discontent would arise, which might probably be avoided, if full compensation were given on the one hand, and immediate liberty on the other. Thus, it appeared to me, that when the complete change should ultimately take place, and when the future prosperity of the Colonies would so entirely depend upon the different classes of society, co-operating together in a spirit of mutual confidence and good-will, this result would be much less likely to be attained after an interval of six years' apprenticeship, than if no such state of transition were attempted.

Such were my anticipations of the probable effect of this measure in 1833, and I regret to think, that they have, to a great extent, been realized by the actual working of the measure. Hon. Gentlemen, I see, express their dissent; but I confess, it appears to me that the papers upon the table, and the abuses which have been referred to, afford only too conclusive evidence of the irritation which has been created. Do you think that such occurrences as are detailed to us, that the circulation of such stories, as that of James Williams, could tend to create harmony and good feeling in the Colonies? Do you suppose, that the discussions which are now going on in this country, that the debate of this evening, and the division by which it is to be followed—the natural results of the measure of 1833, will tend to foster the mutual good feeling between the masters and their apprentices, and to heal the divisions and jealousies of Colonial society? To those who think so, I can only say, that my opinion is precisely the reverse. But, if I am right in believing, that hitherto the measure of 1833 has tended to exasperate and embitter against each other the labouring population of our Colonies and their masters; if this is one of the worst effects of that measure, I contend that our now adopting the Motion of the hon. Baronet, would only increase the mischief; it would be declaring to the negroes, "Your masters have been guilty of such cruelty, and of such oppression, we have been compelled to reduce to four years the period of apprenticeship, which was intended to last for six." We should thus do all that in us lies to envenom and to render permanent those feelings of hostility which, I fear, are already engendered between the parties.

This is a course, therefore, which, in my opinion, it would be both inexpedient and unjust to adopt. And we must also remember, that, by the acknowledgment of all parties, various laws will be indispensably required to regulate the new state of society which will arise, when the apprenticeship is at an end. But if we adopt the resolutions of the hon. Baronet, no time whatever will be given for making these necessary laws, the passing of which has hitherto been delayed upon the express advice and recommendation of a Committee of this House, of which the most distinguished enemies of slavery were the leading members. We shall suddenly, and without warning, precipitate that change for which we have taught the Colonists to believe, that they have still two years to prepare.

I say, then, that if, having originally caused the Colonial assemblies to adopt the system of apprenticeship, we are now determined abruptly to put an end to it, we are, in common justice, bound, at least, to give them fair warning of the change of our intentions, to afford them time and opportunity to prepare to meet this change, and possibly to give themselves, in the eyes of the negroes, the merit of having voluntarily anticipated the period when servitude must altogether cease. I believe it to be by no means impossible, that they may themselves pass measures for this purpose; I am convinced they will do so, if they are influenced by an enlightened regard for their own interests, and will consider what advantages would result from doing that, which would be received by the negroes as a free boon, and which would operate with the most salutary influence upon the future and permanent relations of society; I am encouraged in this hope, by various considerations, by the course taken, in the first instance, by Antigua, and by Bermuda, by the recent determination of the Legislature of Montserrat, and by the statement which was made last night, by the hon. Member for Durham, of the opinion expressed by a leading member of the assembly of Jamaica, in favour of complete emancipation. The Bill, too, of which my hon. Friend, the Under Secretary of State, has proposed the second reading, will, I believe, greatly contribute to lead the Colonial assemblies to take this course. I see that hon. Gentlemen express incredulity upon this point, and regard, as altogether visionary, the hope of such a measure being adopted by the assemblies; they seem to treat as idle, or worse than idle, the expectation of anything good from these bodies. I cannot acquiesce in the justice of this opinion. I think, that we have dealt out somewhat hard measure in our judgment of the Colonial Legislatures. I am as ready as any man, to admit that the laws they passed in the ten years, previous to 1833, for the mitigation of slavery, and those which they have since passed for the regulation of Apprenticeship, have been bad, but, I must be permitted to doubt, whether, if we, in this House, had been placed in a similar situation, we should have legislated much better. The fault seems to me, to have been much less in the Colonial Legislatures, than in the object to which we have directed their efforts; we have desired them to perform impossibilities, and to reconcile contradictions, and it is unjust to find fault with them, for failing to execute such a task. I say, we have desired them to perform impossibilities, and to reconcile contradictions; for we have called upon them to maintain the system of forced labour, and, yet to guard against oppression; while, for the reasons I have endeavoured to explain, in the commencement of the observations I have now addressed to the House, I am persuaded, that if you are to have forced labour, you must necessarily intrust to those who are to profit by it, powers which are liable to be abused, and which, while human nature continues what it is, will not fail occasionally to be so. Sir, these considerations, in my opinion, sufficiently explain the unanimous refusal of all the Colonial Legislatures during the ten years previous to 1833, to pass satisfactory laws for the mitigation of slavery, in compliance with the opinion expressed by both Houses of Parliament, in the resolutions proposed by Mr. Canning. Those Legislatures knew better than we did, the real nature of that system, which they were required to amend, and, at the same time, to maintain; they were conscious that fear was the mainspring of the whole machine, and this mainspring they were naturally averse to weaken, by imposing restrictions upon the arbitrary power of the master, and by depriving him of the means of inspiring terror into his slaves. The defects so much complained of, in the laws passed by the colonies, in furtherance of the objects contemplated by the Abolition Act may, in like manner, be accounted for. My hon. Friend, the Under Secretary of State, has mentioned, that with respect to those laws, what has given rise to the most complaints has been the want of any legal obligation to compel the master to continue those allowances to the apprentices, to which, as slaves, they were considered to be entitled; to make him divide the number of hours of labour which he has a right to demand, in the manner most convenient to them, or to prevent a vexatious enforcement of the authority which he possesses. My hon. Friend has, at the same time, said, that in general the planters do continue to give the allowances in question, and are not guilty of the sort of tyrannical conduct which it is desired to check by law; that the cases in which the apprentices are ill used, in these respects, are the exceptions, and not the rule, why then, it may be asked, does it happen, if the very great majority of the planters already themselves do what is right toward the negroes, that the assembly which represents the whole body will not be induced to pass laws to restrain the misconduct of the small minority? How is this seeming contradiction to be explained? The reason for their conduct, which has been stated by the Members of the Assembly of Jamaica is, that if they were to make such enactments, as are required from them, the only effectual means they possess of inducing the apprentices really to exert themselves in their service would be taken away; that if there was nothing they could withhold, no coercion they could apply, of their own authority, to stimulate the apprentice to industry during the hours he is by law bound to work for his master, the natural aversion to fruitless toil, and the wish to reserve his strength for the time which belongs to himself, would lead him to avoid performing more labour than he could help, and, that against this disposition no sufficient remedy would be afforded by the power of the Special Magistrate, to punish the apprentice for such a degree of idleness as can be proved by distinct evidence; this power may be sufficient to make the negro pass the allotted hours with the instruments of labour in his hands, but not to compel him to put forth his strength in his master's service; or, to perform such an amount of labour as to make it really valuable to his employer. The Members of the Assembly, therefore, tell you, and, I must say, I think they not unnaturally or unfairly tell you, that though individually in these matters they will deal justly by their apprentices, though they deprecate and condemn the conduct of the few who do otherwise, and who use the power they possess for the purpose of oppression, still they cannot consent by Legislative enactments to render compulsory that mode of treating the apprentices which they would desire to see universally adopted, because, if it were made compulsory, even the best masters would be deprived of that power, which, under the existing system, their interest requires that they should possess.

But, though I am not, for these reasons, surprised that the Assembly has refused to legislate in a manner satisfactory to us, with respect to apprenticeship, I think it will be quite right that Parliament should interfere, and should, by adopting the bill, of which my hon. Friend has moved the second reading, enforce, so long as the state of apprenticeship shall continue, its being made conformable to what was expected by the country, when the measure of 1833 was adopted. My belief is, that when we do so, that when we show the Colonial Legislatures that at all events, the masters must give up their present powers, which are so liable to abuse, and cannot be permitted to resort to the means which they have hitherto employed, for enforcing the labour of the apprentices, the result will be, that they will think it wiser to give up the system altogether, and that when they can no longer bring force and terror effectively to bear upon the minds of the negroes, as a stimulus to labour, they will apply themselves to consider whether their object may not be better accomplished by other means, and whether the labouring population in the colonies, may not be brought under the influence of an entirely new class of motives, those motives which form the stimulus to industry in countries where slavery is unknown. I have the strongest hope that the Bill, now before us, when passed into a law, with the advice and encouragement, which I am sure, my noble Friend, the Secretary of State, will not fail to afford to the colonial legislatures, will induce them to adopt this, their wisest course, and if so, I am convinced the result will be most beneficial to all the colonies, and more especially to Jamaica. I can conceive nothing more important, with a view to the future welfare of that island, than that the Assembly, and the class which it represents, should be induced thus, even in the eleventh hour, to reconcile themselves with the negro population, and to place those, who have stood to each other in the relation of master and slave, in harmony together, at the time that servitude is to cease. If the House of Assembly of Jamaica should adopt such a course, this most important object would be gained, and I think they have, on other grounds, every inducement to do so. All the experience which we have had since 1833, is in favour of such a measure. Since that time, it has been proved, even if proof had before been wanting, that the negroes may be impelled to industry, by the same motives, and the same desires, by which men of other races are acted upon.—Additional proof has also since been afforded, of the soundness of those opinions, first promulgated, eight or nine years ago, by Mr. Gibbon Wakefield, of the connexion which exists between the power of obtaining continuous labour, and the maintenance of a due proportion, between the extent of land which is occupied, and the numbers of the population.

The experience of our Australian colonies, has clearly proved, that that wide extent of territory, which was formerly supposed to create so great a difficulty, in maintaining any system of combined and continuous labour, may be prevented from producing this effect, and be made instead, a new source of wealth.

For these reasons, I again repeat, that I see no ground for despairing of an early abolition of the system of apprenticeship, by the authority of the colonial legislatures; but even if this expectation could be shown to be vain, even if it were certain that this system were to be allowed to continue for the two additional years it may last by the law as it now stands, I would rather permit it to do so, providing, as far as is practicable, by the measure now before us, against those abuses which have existed, than incur all the hazard, and all the certain inconvenience, which, in my opinion, must result from adopting the motion of the hon. Baronet, the Member for Yorkshire.

Such, Sir, are my views upon this most important question. I am prepared to find that they meet with the concurrence of comparatively a small proportion of the House. I am well aware that they will be unsatisfactory to those who call themselves the advocates of the colonial interest, who would have preferred that I should have expressed an opinion in favour of the system of apprenticeship, which, not entertaining it, nothing should induce me to profess. I know also, that these views will be still more distasteful to those with whom I cordially concur in their abhorrence of slavery, and of every modification of slavery, but who seem to me now, in their demand for immediate and unconditional emancipation, to be acting rather on the dictates of passion, than of cool and sober reason. Gentlemen, both in and out of this House, seem to me to have brooded over individual cases of cruelty and oppression, and to have dwelt upon the highly-coloured pictures of the wrongs of the negro, conjured up by their own imaginations, till they have worked themselves into a state of excitement, which gives no fair play to their sober reason, and has induced them to allow some slight tinge of vindictive feeling against the colonial proprietors—something of resentment against the whole class, which they regard indiscriminately as oppressors, and as wrong-doers, to be mingled with those high feelings of humanity and benevolence, by which, I am well aware, that they are mainly actuated. In saying this, I trust that I shall give no offence to those excellent persons to whom I allude. But we all know how deceitful is the heart of man—that the best impulses of the best men, are seldom without some alloy of a baser kind. I hope, therefore, I may be pardoned when I repeat, that I cannot help thinking, from the tone that has been adopted in speeches at public meetings, that the just indignation against oppression, the generous and praiseworthy sympathy for the oppressed, which have been manifested by the speakers on these occasions, have been allowed to grow into something like anger and resentment, against the ruling class in our colonies. But I need hardly say how much it is our duty to guard against the influence of motives like these, and in how different a spirit we ought to legislate on this important subject. For my part, it has always appeared to me, that we are bound to regard the white inhabitants of our slave colonies, not with any feelings of irritation, or of harshness, even when we have most right to complain of their conduct, but, on the contrary, with sentiments of indulgence and compassion, as persons hardly less deeply wronged than the slaves themselves, by the sin of the British Parliament, in allowing the accursed institution of slavery to take root, and grow up amongst them. True it is, they have been exempt from those physical sufferings which have weighed so heavily upon the unfortunate negroes, but physical sufferings are not the worst that can be inflicted upon men —moral corruption and degradation carry with them misery, less obvious, perhaps, but not less keen, nor less lasting, and the white inhabitants of our slave colonies have been exposed to that moral blight (if I may use the expression) which pervades and corrupts the air wherever slavery is allowed to exist. We, therefore, who have been parties to its existence, have no right to judge with severity, nor to visit with harshness the faults which its influence has created. It is our duty, on the contrary, to do with firmness, all that is required by justice to the oppressed, but to do it with all possible mildness and indulgence towards those who have only been our instruments in the oppression so much complained of. By taking this course, too, let me remind hon. Gentlemen, that we shall be doing what is most likely to lead to the real and permanent welfare of the negroes themselves; what is best calculated, under the blessing of Providence, to convert into free, into prosperous, into enlightened, and religious communities, those colonies which have, heretofore, resounded with the clank of chains, and with the cries of the oppressed, which must now, at all events, soon be relieved from the last traces of slavery, but which, by any precipitation, or imprudence of ours in this crisis of their fate, may still be made to escape from the horrors of their past condition, only to fall into the lighter, but still deplorable, evils, of hopeless confusion and barbarism. Let us remember how fearful is this alternative, and how deep will be the responsibility, which will rest upon all those who may, in any way, contribute to the failure of this great experiment. Let hon. Gentlemen remember, that no one vote, which shall this night be given, will be without its importance, that even, if the resolution of the hon. Baronet should be rejected, still the expression of a strong feeling, by a large minority of this House, in favour of the motion, may have almost incalculable effects on the minds of the negroes, and produce dangers of the gravest and most serious kind.

It is, therefore, the solemn duty of every man, in giving his vote upon this momentous question, to be guided, not by any feelings of excitement which he may have allowed to enter his own mind, still less by the prevalence of such feelings among his constituents, who have had no opportunity of considering the arguments which have been adduced against the measure proposed to us, but exclusively by the dictates of his own cool reason, and deliberate judgment.

Dr. *Lushington* said, that after thirty years consideration of the subject, he felt bound to enter his protest against the doctrine of his noble Friend who had just sat down. In addressing to the House a few observations, he begged to advert to the line of argument which had been taken with respect to this question. A resolution had been moved that the apprenticeship system should cease in August, 1838. To that resolution the hon. Member for Devonport gave a negative; and justified his negative by a compact which he alleged to exist between the Parliament of Great Britain and the West India planters. It was true, that the hon. Member for Devonport allowed that that compact might have been violated by the planters in a few trifling instances; such as flogging the negro women, diminishing the food of the slaves, and in other slight particulars rivetting their chains. But the hon. Member for Devonport maintained that such petty and insignificant matters as these ought not to weigh with the House; and that no remedy ought to be thought of but the bill which was in progress in the House. A right hon. and learned Gentleman on the other side of the House admitted that the contract entered into by the act of 1833, had been grossly violated by the planters. But his noble Friend laughed to scorn all notion of any contract. His noble Friend said, that he had opposed the apprentice system from the commencement. Yes, and he had done so in a speech, the solid argument of which, entitled it to be read over and over again, by those who wished to render themselves acquainted with the merits of the subject. His noble Friend had that evening told them, that in 1833, he foresaw all the evils which had resulted from the system of apprenticeship, which he justly called slavery. Now, two years and a half of the period for the existence of those evils were unelapsed. Why not get rid of that term? "No," said his noble Friend, "I have great respect for the House of Assembly, and I dare say they will legislate correctly on the subject." His argument was; — "the misery of the present state of things I allow to be great; let it continue until the year 1840." Having described to the House in most eloquent terms, the accumulated wretchedness and oppression of the slaves, his noble Friend's advice was, not to interfere. Was that fair? Was it candid? Was it humane? For the life of him, he could not conceive what compacts, even if compacts there had been, had to do with the question. It was the duty of the British Parliament to guard the interests of all the inhabitants of the British empire; to protect their rights, to secure their freedom, to consult their happiness. He could not believe that a British Parliament would adopt a measure which, on a dispassionate consideration of it, must appear to them, incompatible with the best interests of so large and valuable a portion of the British empire. In November last, an hon. Friend of his, who was no longer a Member of that House, and who, if he were present, would not want any one to defend him, made some observations on the subject, to which he entreated the attention of the House. In November, 1837, Mr. Buxton having been appealed to, to take an active part in favour of the negro apprentices, stated that, on the principle of the justice of the abolition, he went with them to the fullest extent; but before he again would unite in any measure to effect that abolition, he must be satisfied that there was a reasonable prospect of attaining the object. His opinion was, that it was not just to embark in the agitation of the question, unless there was good reason to suppose that they could do so with advantage. The hon. Gentleman had accordingly abstained from doing so till the month of March, and he (Dr. Lushington) had adopted the same line of conduct. In the meantime, however, they had the Marquess of Sligo's letter, and having seen that, having seen also the progress which the question was making in public opinion, he had written to Mr. Buxton, and told him that, in his opinion, the time had arrived, when he who had so distinguished himself as the public leader in this cause, should come forward and take the same active part that he had taken formerly. It so happened that Mr. Buxton had come to the same conclusion before his letter arrived. All parties, then, felt that matters ought not to remain as they were. Some change was necessary, but what was it to be? The hon. Baronet said, that the measure he proposed to substitute for the course recommended by the motion of the hon. Member for Yorkshire would be sufficient. The question for the House was, whether that measure would operate, so as entirely to remove the existing abuses, or whether the stronger measure of the hon. Gentleman were necessary. To prevent the possibility of its being said, that his conduct was dictated by any statement that had been made out of doors, he begged to say that every word which he was about to utter, was founded on three documents; on the Parliamentary documents, numbers four and five, but more especially on number five, and the pamphlet avowed as the production of Lord Sligo, the former governor of Jamaica. So far from coming to the conclusion of his hon. Friend, (Sir G. Grey) on those documents, he was decidedly of opinion with his hon. Friend, the Member for the West Riding of Yorkshire, that it was not here or there, but that there was an uniform and a constant, if not an universal, violation of the contract. His hon. Friend, (Sir G. Grey) said, that it was unjust to visit on the entire people of Jamaica, the faults of only a portion. He begged to ask how large a proportion was there of them that had not participated in the offences. He did not mean to say, that there were not a few splendid examples of contrary conduct; he knew that there were some, and they were deserving of the highest praise, considering the infected atmosphere of that region. But what did the hon. Baronet say, first, of the House of Assembly? Did they participate in the feelings of the British people on this subject? Next, he would ask what his hon. Friend said to the grand juries? Had not his hon. Friend and Sir Lionel Smith visited them with terms of severe reprobation for the disregard of their oaths? Had the coroners done their duty? Let the House look to the blue book—the Parliamentary returns from which the hon. Baronet had quoted so largely, and on which he had relied so much. What did he say to the conduct of the petty juries? Again, he would refer them to the blue book. Had any of the local magistrates been suspended? Was it not the object of the proposed measure to suspend their jurisdiction? Then there were the law officers of the Crown, had they not set the Government at nought, and done the best they could to defeat its measures? Was Mr. Banton, the King's advocate, dismissed by Lord Glenelg, because he adopted a course opposed to the supremacy of this country? Let them look at the papers and see how few were the exceptions, and how general was the cause of complaint. There was a short crop in 1836, and it was alleged against the negroes that they were idle. Mark the evidence of two of their special magistrates. They stated, that the negroes were seen day by day labouring in the field, but they were reduced to the direst distress. Surely they had some aid in their extremity; surely the heart of the planter was not so hardened but that he did from his stores give something to save them from starvation. Instead of so acting, they were told that the watchmen were withdrawn from the negroes' provision grounds, and on their return to them at several miles distance they found that the labour of their over days for several months had been expended in vain, and that their grounds had been exposed to the depredations of runaways and thieves. The pauper in this country had the benefit of his whole week's work, and if that did not enable him to maintain himself, he might at last take shelter in the workhouse; but the slave had taken from him the labour that was necessary to his existence, and that which he was not permitted to supply to himself was not furnished to him by others. Let them look also at the state of the children. One and all of the special magistrates described the rising generation in Jamaica to be in a most calamitous condition. Was it humanity, was it religion, was it any one motive dear to man that could induce them to subject the negro to such suffering for two years and a half longer? Could anything equal the demoniacal cruelty that had been practised? He spoke on the authority of the blue book. Was it not true, that the mother, instead of leaving her child at nurse, had been compelled to strap it to her back, and go to the field? Such cruelties were indigenous in the land of slavery. Three years and a half had been spent in bitterness and animosity between the negro and his master; and what rational ground was there for expecting, that during the remainder of the term there would exist a better state of things. He would tell the hon. Baronet his belief was, that the Bill he proposed to pass would turn out to be little better than waste paper; but so far as it did operate, he was satisfied that it would produce great exasperation. Could it be imagined that those whom it was meant to control would not feel themselves insulted by it; that they would not be angered; that they would not resort to every means of retaliation that, unfortunately, human nature always resorted to when long-cherished opinions and prejudices were felt to be insulted and outraged? Allow him to read one or two passages from the blue book. He knew that the House must be impatient; but he begged to refer to the testimony of Mr. Cooper, a special magistrate: "Would to God," said that gentleman, "I could add that corresponding improvement was perceptible in the conduct of their managers, or that the apprentices were more cheerful, more happy, or better treated." The same gentleman also observed—"I will only in conclusion repeat that, to the correct moral and religious principles of the apprentices, must alone be attributed the tranquillity which happily pervades this district. To the masters no credit whatever is due." This was not, he could assure the House, a solitary instance of the expression of such opinions; so far from it, the whole tenor of the evidence was consistent with it. Let them read the evidence of Mr. Grant. That gentleman wrote as follows:—

> "Their behaviour has been such as almost entirely to put it out of the power of the masters to find fault. The complaints made were very few, and nearly in every instance of the most trifling nature. Although the conduct of the apprentices has thus been everything that their best friends could desire, of the good feeling existing between them and their employers, I regret to say, I cannot report so

favourably as heretofore. This want of good feeling, in existence at the present moment, I have no hesitation in attributing to a desire on the part of the employer (and a desire which I observe to increase daily) to make the apprentice do more than can with any reason, be required from him, notwithstanding they perform their work willingly and well; and the best proof I can give of the truth of this important assertion, will be in stating, that during the period to which this report refers, there has only been, in this extensive and valuable district, one complaint for deficiency of labour." "Their conduct put it almost out of the power of the masters to find fault."

Was that small praise? The hon. Baronet told them that as a set-off against the conduct complained of, there was that of a largely preponderating majority of the inhabitants of Jamaica, whose indignation it provoked. What! he begged to ask, was said upon the exposition of the case of James Williams? What single instance had there been from first to last of a meeting in any parish in Jamaica to express the horror of these proceedings? The hon. and learned Gentleman also referred to the case of a female who was refused admission to the workhouse, and who died at the workhouse door. This was not the slave of an obscure individual; she belonged to the Speaker of the House of Assembly. There was no inquisition. Murder passed by unheeded in that colony. Where was the virtuous indignation which was to redeem the inhabitants from the censure which would properly attach to any colony in which such proceedings were tolerated? There was no trace in the annals of Jamaica of the expression of any dissatisfaction with these acts of criminality. Had there been the case of any special magistrate having neglected the performance of his duty, and being dismissed on that account? Yes, there was, and the House of Assembly voted him a piece of plate in approbation of his conduct. Could they entertain a rational hope, that where society was so constituted there was the least prospect that any real benefit could result from the course it was proposed to adopt? Dare they trust them a single hour longer, when the public faith had been so notoriously broken in every one particular for which the British public paid their money—in every particular on which the hearts and the feelings of the British people were set? Dare they do so in the face of the British public, dare they tell them, "you know these facts, and yet we will resort to no other remedy than a repetition of that which has been found useless and futile." Dare they say, "we will trust to the good-will, to the kindly, to the merciful feelings of those whose great pride it has been to thwart every one of our efforts; who have delighted in evading the law; who, when we had bound them, as we thought, in chains of adamant, by Acts of Parliament, laughed at our statutes, and informed us that they had private acts of their own? There was a case of a female apprentice taken up on suspicion. She was thrown into the workhouse. Guilty or innocent no matter; she was chained by an iron collar round her neck to another. At the end of nine months, no offence being charged, nothing having been imputed, she was turned out the miserable wretch that she must have been after such treatment. It was the first law of our nation that he whom we deprived of his liberty, we were bound to keep alive; but his hon. Friend seemed surprised to hear that there were cases in which this law had been neglected, that had escaped the scrutinizing eyes of Lord Sligo and Sir L. Smith. These things were occurring from year to year in Spanish town and the fact never reached the Government. No doubt, if they had come to the knowledge of Sir L. Smith, he would have adopted measures to put an end to them. It had been complained of, that Mr. Sturge had not laid the abuses he discovered before the governor, but would they have had him turn common informer, and thus prevented the possibility of any further discovery? Lord Glenelg lamented, that notwithstanding the vigilance exercised, those abuses did not come to the knowledge of the Government. Before he sat down, he begged to address to the House a few words as to the obligation cast on them to vote in favour of immediate emancipation. He was somewhat encouraged by the conduct adopted by the Marquess of Sligo. He had the pleasure of stating, that Mr. W. Hanbury had also determined to give up his slaves on the 1st of August. He implored the House to consider whether, from the evidence that had been laid before them, there was not sufficient proof given, that the negroes were fitted for emancipation. All the stipendiary magistrates concurred in thinking so. He appealed to them, not as men who loved justice, not as men anxious to do justice to those who had suffered injustice, but he appealed to them as men who loved mercy, had the negroes been conciliated for the last three years? He asked them, too, if it were possible, considering the manner in which they had been treated, that the negroes would continue in slavery when upon the 1st of August 50,000 non-prædial apprentices would be free? The mother would be free; the father in the field; brother would be distinguished from brother as slave was distinguished from free-man; and he appealed to them, if they were in such a case saved from discontent, saved from disturbance, and, possibly, from an outbreak, must it not be attributed to that peculiar patience of the negro which might be found in him, but which was not to be discovered in any other class of the human race.

Lord *J. Russell* said, he never rose to address the House under a deeper sense of responsibility than he felt on the present occasion. He passed by, as unnecessary for him to consider, the question whether it were wise and prudent to enact the stipulations of the Act for the Abolition of Slavery; but this he would say, that every feeling of solemn duty by which a legislator could be swayed—the endeavour to establish freedom where slavery was inherited, to replace the oppression of severe task-masters by the protection of a mild government, and, at the same time, a consciousness of the perils which must attend the attempt combined to influence the Parliament which passed it; and the measure was so far happy, that those who stood forward to denounce the sufferings of the negro—those who advocated the claims of the West-Indian proprietors—those who bore office in the Administration and those who opposed them —all concurred in accepting it as a settlement of that great question. The period when the last stage of this mighty revolution was to be consummated having been fixed at seven years after the expiration of that Act, it was now proposed to this Parliament to break through that Act—to break the ties of those relations which now subsisted between the negroes and their masters, totally against the declared opinions and wishes of one party, and totally, as he believed, against the expectations of another, and to assume to themselves, certainly without much preparation of debate, suddenly and abruptly to cut short the duration of the state of apprenticeship. In his apprehension, looking at the means by which a great excitement on this subject had been produced, and by which it had been sought to influence the minds of Members of this House, whether the Government or those who were opposed to it, he must say, that motives had been urged —he had heard them urged himself—unworthy of the purity of a cause which had for its object to deliver a numerous race of mankind from bondage. He must say, that it added to his reluctance to entertain the proposal, that it was made in the absence of all those measures of preparation which persons of all classes concur in thinking ought to precede emancipation. That those measures of emancipation had been delayed was partly a consequence of those who represented themselves, and with truth he believed, as most sincere and ardent friends of the negro. Their distrust of the present colonial governments and assemblies was urged upon Government as one of the many reasons why measures of preparation should be delayed. This might or might not be a good reason for delaying those measures, but it certainly showed, that those who urged it had little regard for consistency when they now proposed, that no interval should elapse before the final change was effected. He must, too, having listened with much attention to the speech of his hon. and learned Friend, remind him of an observation his hon. Friend, the Under-Secretary for the Colonies, made at the commencement of his speech the preceding night, that they were not now discussing the question "whether slavery ought to be abolished." That slavery contained within itself many and frightful horrors was no longer a question to be discussed. It was that which this country had long since made its mind up to; and, to put a final consummation to slavery, 20,000,000*l*. had been paid by the people of this country; they gave it as the price for clearing away the sin and the stain of slavery. Could it then be believed, that the transition which should take place from a state of society which they all admitted to be dreadful to another state of society could occur without much evil arising? It was in the very nature of the transition that evil must arise. Among those who had in former times spoken on freedom and slavery, he remembered a traveller, who, in giving an account of his travels in Turkey, said he thought the poorer classes in a state of slavery had great advantages over those in a state of freedom; that a man was fed and clothed and medicine provided for him by his master when in a state of slavery. Now, he utterly abhorred such arguments in favour of slavery; but then it was impossible not to see, that great evils might follow from the immediate removal from a state of slavery without some previous preparation. The moment they made a transition to freedom, the moment they abstracted from the proprietor the labour of the persons he had before regarded as his property, the moment they did this, the proprietor felt it to be no longer necessary for him to make the provision for them which he had formerly done. They could not expect to release a man from slavery, and that the proprietor would continue to him indulgences which had mitigated slavery—they could not do this and at the same time grant to the man all the benefits of freedom. Perhaps there was no evil without some mitigating indulgences in these instances, and those in some degree compensated for the horrors of slavery. When once men gained that social state in which it wished to place the apprentices, they must expect some of their present advantages to cease, and they must also expect that others afterwards would take their place. He would say but little on the question of contract. He thought that his hon. Friend near him had spoken sufficiently upon that subject the preceding night, and had made out a case to show, that they had entered into such a compact as ought to make Parliament cautious in entering into a new measure upon this subject. He did not mean to enter into the precise definition of a contract, but he thought it was perfectly clear, that a solemn Act of Parliament, under which certain interests had been regulated, and by means of which certain rights could be transferred and sold, was an Act of Parliament that ought not lightly to be dealt with, and with which they would not be justified in interfering, unless all interests were duly provided for. But the next question that arose was indeed a question of very deep importance, and it was this, whether, upon the whole, there had been such a change in society in consequence of the apprenticeship system, that it could induce them to say, that such an improvement had been produced in the apprentice since he had ceased to be a slave, that he had risen so much in understanding, that he had risen so much in independence, and in the means of procuring his livelihood, that it was likely, that the transition would be more easy to him now than if this law had not been enacted. He thought, that three-fifths of the apprentices were to be found in Jamaica and in Guiana, and he should then read for them the testimony of the Governor of British Guiana, and the testimony of a person who had been sent out from the Colonial-office to Jamaica. Upon opening the Colonial Legislature on the 3rd of February, 1838, the Governor thus delivered himself:—

> "I consider the continuance of the present system until the 1st of August, 1840, as identified with the future welfare of this magnificent province. It appears to me, that if in British Guiana we are allowed to continue as we are, there is every prospect of our being enabled to slide almost imperceptibly into a state of perfect freedom. Excepting in cases of theft, the degrading punishment of the lash is unknown. Females are not permitted to be sent to the treadmill. The advantages resulting from labour are becoming daily more understood and better appreciated by the apprentice. He is, moreover, fast acquiring a knowledge of the rights and duties which, as a freeman, he will hereafter have in the one case to enjoy, and in the other to perform. The proprietor, on his part, is daily preparing to meet the coming change. A kind and a good feeling between the employer and the labourer is everywhere rapidly gaining ground. It is no longer the master and the slave having opposite interests; but the husbandman, who cannot effectually till his ground without the willing aid and the extra work of his apprenticed labourers; and the apprenticed labourer, who looks to the husbandman for that money, in payment for his extra labour, which he requires to enable him to take care of his wife and family, and to provide himself and them with those articles of comfort and luxury to which they have become habituated. When things are going on so well as in British Guiana, it appears to me, that it would be little short of an act of folly to offer any interruption to the present system."

That speech was made publicly in British Guiana, and it was declared and spoken of as a matter of notoriety to the whole world. The Governor was one who, it would not be denied, had shown the utmost anxiety for the condition of the negro, and who had a thorough knowledge of the system of which he spoke. Now, in Jamaica, there was no doubt, but that much greater complaints had been made than elsewhere, even though they had heard of many in the commencement of the debate with respect to British Guiana. A gentleman who had been sent to make inquiry in Jamaica, Captain Pringle, had written a letter previously to his return. In this letter, Captain Pringle stated, that the writer had travelled through the island of Jamaica, and found that the value of labour had greatly increased; that the negroes often had their tasks completed before ten in the morning, and hired out their labour in the evening; and that, in this way, upon one plantation, 40*l.* a week was paid for apprenticeship labour. This, continued the noble Lord, was the evidence of a person in no way interested in this system. He told them, that apprentices were earning 40*l.* a week, and that gentleman assured them, that the negroes were earning it at task work. He was not surprised at this proof of their industry; but he did say their apprenticeship, serving the purposes for which terms of apprenticeship were applied, taught men how to turn to advantage the wages of industry; and so that, when such men were set free, they would be made more worthy of freedom, and that they would be more likely to be contented and happy as free labourers, than if they had passed through no transition of the kind. Captain Pringle next remarked, after noticing the complaints of some old women that they had been set to work; that a large proportion of the property of the island appeared to be well managed, and that only one-fifth of it was out of cultivation. While there was no doubt that great abuses had existed, and that great cruelties had been practised, it was also shown, that four-fifths of the property in the island was well managed. He thought, then, that he might ask the House, whether they found themselves warranted when they had such testimony as to British Guiana and Jamaica—whether they would risk the perilous step of throwing into confusion this state of things, and of driving the people who were thus employed, upon well-managed estates into excitement, and thus totally destroying the relations which existed between different classes of persons on well-managed property? He must also quite agree with another authority, to which his hon. Friend referred, because his hon. and learned Friend who had last spoken, had likewise referred to persons upon whose authority he depended, he meant the authority of a report of a Committee of that House, of which Mr. Fowell Buxton was the mover, and of which he was a Member, of which his hon. and learned Friend was a Member, of which the hon. Member for Leeds was a Member, and various other Gentlemen, who took an interest on behalf of the negroes. They had come to a resolution, a year and a half ago, respecting negro apprenticeship, on which they declared that the moral condition of the negroes had been greatly improved, and on which they also declared their conviction, that nothing could be more unfortunate than any occurrence which could unsettle the minds of either party, that is, of planters or apprentices. The same Committee sat in 1837, and did they then come to any opinion as to the sudden abolition of apprenticeship? On the contrary, after having sat the whole Session, they came to the opinion, that the Committee ought to be re-appointed. Then he should say, with the utmost respect for men whose good intentions and sincerity he duly estimated, and whose anxiety in the cause of negro emancipation he properly appreciated, that he had the authority of Mr. Fowell Buxton to show, that up to the close of the Session, 1837, there was no such case made out as could call upon Parliament abruptly to terminate that arrangement which Parliament itself had sanctioned. His hon. and learned Friend, who had spoken last, had dwelt much upon the abuses that had prevailed. He was not then going to enter into a history of those abuses, except that one quotation, in reference to them, had been made from Sir James Macintosh, and which it was said was supported by the authority of Mr. Fox. His hon. and learned Friend said, that there was a difference between abuses occurring here, and in the colonies. In the one case, persons who committed abuses were degraded; and in the other, it was said they were praised. In the one case, it was true that they were in a state of slavery, and the observations of his hon. and learned Friend constituted a sound argument against the continuance of slavery. But, then, it was not at all applicable to the present state of things. Had the case of Williams, which had been referred to, been allowed to pass unnoticed? Was the magistrate rewarded? No; but he was suspended, and the Attorney-General was directed to commence proceedings against him. Lord Glenelg, too, had issued orders for immediate measures being taken for the punishment of neglect of duty. Would it be believed that the Government were not anxious to punish, or that the eye of the Legislature would not be directed to such subjects; or would it be believed, that for the future, such abuses would be permitted to pass unnoticed? That such matters never could occur again, it would be chimerical to expect; but they surely would not be rewarded; he could answer for it, they would receive the punishment they deserved. That a remedy ought to be applied to such abuses was admitted. The hon. Baronet proposed instantaneous emancipation from slavery, and such, too, was the nature of a Bill introduced into the other House of Parliament. Could such a Bill apply a remedy to the abuses which had been complained of? It would put an end to the authority of the special magistrates, and it would leave the workhouses to the sole control of the local magistrates. What must be its effect? The planters, feeling they had been treated with bad faith, and feeling so with some justice, would instantly abandon the old and the infirm, and leave them without any support. He said, then, that it was for the interest of the negroes themselves, that the House should not adopt a measure which would violently, and without preparation, break through the ties that existed between master and apprentice. The Bill before them proposed a remedy for some of the evils complained of, by enabling the Governor to regulate the times of work. Penalties were to be imposed, and, in short, it specified grievances, and for each grievance it applied a specific remedy. He said, moreover, that though it might sound better, though it might sound more philanthropic that the negroes should be declared free at once; but still, if they really took an interest in the apprentices, if they regarded the happiness of that great body of men, he said that the Act of Lord Glenelg more directly tended to that great object, while the other plan that was proposed could only tend to the aggravation of every evil. The right hon. Gentleman, the Member for Ripon, had asked whether, at the expiration of the apprenticeship, complete freedom would be enjoyed? He said, certainly; and that point had not been left unnoticed by Lord Glenelg, who called attention to it, in a dispatch of the 6th of November, 1837. It had been declared, that a solemn engagement had been entered into by Government, and they were bound to carry it into effect. Considering, then, the whole of this subject, he said, that in the first place, they had laid down, by Act of Parliament, certain terms, by which all parties expected them to abide. They had laid down terms by which merchants and planters considered themselves bound, when they gave up that which was before to them a property in slavery. They themselves, too, had laid down terms, to which even those who disliked the apprenticeship system, considered the nation and Parliament to be bound. In carrying those terms into effect, it was competent for them to see and provide, that all their intentions in sanctioning the apprenticeship system should be secured to the negro by law; but then, instead of bettering the condition of the negroes, they would only increase their misfortunes, and make their condition hopeless, if they themselves were to break the compact, and declare, without any previous preparation, and without any further measures, that the negro should be sent forth from his apprenticeship, and severing the ties between master and apprentice, thus tear violently from each other, and place in situations opposed to one another, the rich and the poor, the humble man, and the man having superior authority. He had heard it said, that if Parliament were to agree to any vote by which the apprenticeship should be declared terminated in August, 1838, that it would then be the duty of the Government to carry that resolution into effect. He disclaimed any such responsibility. His hon. Friend near him, the Under-Secretary for the Colonies, had said, that they could not stop the apprenticeship system without giving compensation—that they could not do so without a breach of faith. He was not prepared to say, that a Government should undertake the conducting of any measure which they considered to be a breach of faith. His hon. Friend further said, and had truly said, that they might recommend such a measure of justice, by giving a further compensation for the rights they insisted on taking away. Nor was he prepared, on the other hand, to propose further compensation, because he thought that any such additional compensation would be made on a principle totally different from that which was adopted formerly; that was a compensation by which the various parties to that measure might, if possible, be induced to enter on the new system, with a due regard to the feelings of humanity on the one hand, and to the security of the colonies on the other; but he thought that a compensation such as he had spoken of, to be made in addition to the former, would be a compensation for the increased danger of the colonies. He was not prepared to adopt any such plan of compensation, and he must declare that the Ministry could not take charge of any such measure. It was for those who supported measures of this kind to take upon them the consideration of how it was to be carried into effect.

Was it to be supposed, that the Bill which was in the other House of Parliament could come down to that House, if at all, for a considerable time? Would it not have to be re-discussed? Must not the House hear those whose interests would be affected? Will they not, and justly, ask, when making those great changes, that evidence should be heard at the bar to show their effect in the colonies, and would they keep those colonies all that time in the agitation of expectation? Would they keep them exposed to that danger while the measure was thus being discussed, and when such uncertainty must rest even upon its ever passing? He was not sorry to hear an argument that was used the other night, when for the first time they were told, that the danger was such, that the excitement produced was so great, that, for the sake of peace, for the sake of endeavouring to preserve the safety of this measure, it was the duty of the House and of the Government to undertake it. He thought for the Government so to act would be setting a most dangerous example. It was not because he saw a crowd running with lighted torches to set fire to a building, although they threatened to illtreat him unless he consented to assist in the conflagration—it was not for that reason that he was to make himself responsible for their proceedings. He said, then, that he could not undertake any such measure; and he wished to say one thing more, to which he begged the attention of the House, because it referred to their own authority. If there ever was a question upon which Parliament was bound to act according to deliberation—in which they were bound to act according to their own solemn opinions of what are the interests concerned, and what are the future dangers—it was the question before the House. But it was clear, that if this question were to be carried in that House, it was more by overbearing their opinions than by consulting the settled opinions of the House of Commons. He considered such precedents most dangerous, and setting such a precedent in a case so delicate as that of slavery in the West Indies, of the utmost danger; but he considered likewise, that the House would be acting against the opinions of those who had most fully considered the question on all sides of the House; and would be setting a precedent for the future of the utmost danger to the deliberations of Parliament. He thought, that for the future it would only be necessary to say, "Let us rouse the opinions of the country, let us have a certain number of petitions presented, and then it will be necessary for the House of Commons, whatever their judgment may be, to follow our course and no other enactments can come from them than those which please us." He did hope that Parliament would not set that precedent. He saw considerable evils on every side. He knew how excited were the people in the West Indies, but he thought, upon the whole, that the course attended with the least danger was to give assent to the Bill of his hon. Friend, and to give a decided negative to the resolution before them.

Mr. *W. E. Gladstone* said,* Mr. Speaker,—If I regard the lateness of the hour at which we have arrived, the number of Members now congregated within these walls, and eager for the decision, and my own inadequacy to fulfil the task which is before me, I utterly despair of being able to attract the attention of the House: but remembering, on the other hand, the vast and manifold interests involved in the issue of this debate, the singular course which the discussion of this evening has in general taken, until the speech of the noble Lord, the Secretary for the Home Department, and the fact that no one belonging to the body which stands accused before you has as yet risen to make a statement of their defence, I am encouraged to make the effort, and I trust to your favour and indulgence to bear me through. For I may indeed entreat that indulgence, in a sense far stronger than that which the request usually bears, and as I have seen you on a recent occasion listen for hours to one at your bar pleading for a theory of constitutional rights, I am confident you will give the like opportunity to one connected with a body who are virtually at your bar, and who have to plead for much more than political rights alone: these, indeed, are involved,—their property, too, is involved in the vote of this House; but what is weightier far, their character is not less involved; for if it be true that the negro population of the West Indies is suffering under general hardship through their neglect, no words can be strong enough to describe their delinquency. Sir, when the Abolition Act of 1833 was brought forward, to his immortal honour, by the noble Lord, the Member for North Lancashire, we who had seats in this House, and were connected with West-Indian property, joined in the passing of that measure: we professed a belief that the state of slavery was an evil and a demoralising state, and a desire to be relieved from it; we accepted a price in composition for the loss which was expected to accrue; and if, after those professions and that acceptance, we have endeavoured to prolong its existence and its abuses under another appellation, no language can adequately characterise our baseness, and either everlasting ignominy must be upon us, or you are not justified in carrying this motion.

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* Reprinted from a corrected report, published by Hatchard.

But I utterly and confidently deny the charge, as it affects the mass of the planters, and as it affects the mass of the apprentices. Yet, in declaring it to be without foundation, I do not ask you to accept that assertion on my credit, but I refer you to the proof which shall follow. I am aware that I must speak under prepossessions, though I have striven with all my might against them: and I desire that no jot or tittle of weight may be given to my professions or assertions;—by the facts I will stand or fall. And oh, Sir, with what depth of desire have I longed for this day! Sore, and wearied, and irritated, perhaps, with the grossly exaggerated misrepresentations, and with the utter calumnies that have been in active circulation without the means of reply, how do I rejoice to meet them in free discussion before the face of the British Parliament! and I earnestly wish, that I may be enabled to avoid all language and sentiments similar to those I have reprobated in others.

Now, Sir, the first point I have to put is one on which, if need were, I should be content to rest: we are at this moment in the midst of a Parliamentary inquiry: and I say the argument is resistless against violently putting a period by legislation to that inquiry, the renewal of which was unanimously recommended by your own Committee of last year. How is it possible, with that recommendation before you, to declare that we are ripe for a final adjudication? But in the abundance of arguments which present themselves to me, I shall not dwell strongly upon this point. I must, however, express my astonishment, that those very parties who first demanded a Parliamentary investigation, are now, after having had, in 1837, the opportunity of stating their case, the parties to protest against hearing the other side of the question. And is the House aware of the composition of that Committee, which was appointed in 1836, and re-appointed in 1837, to examine the subject? I will read the names. They are—

Mr. T. F. Buxton,
Sir G. Grey,
Mr. O'Connell,
Mr. W. Gladstone,
Mr. Baines,
Mr. Plumptre,[*]
Mr. Labouchere,
Mr. P. Stewart,
Mr. Oswald,
Mr. Lushington,
Mr. Thornely,
Mr. A. Johnstone,
Lord Sandon,
Sir J. Graham,
Lord Howick.

Very few of these are from the Conservative party. Only three are connected with West-Indian property, and of these one is the hon. Member for Ashburton, the brother to the hon. and learned Member for the Tower Hamlets. Can any man listen to the recital of these names, and then need to be told, that if there had been a bias upon the mind of that Committee, it would not have been a bias favourable to the planter?

And yet that Committee had furnished a report, an unanimous report, in the year 1836, having then before its view the defects in the existing colonial laws, in which they stated,—

> "Under these circumstances, your Committee feel bound to express their conviction that nothing could be more unfortunate than any occurrence which had a tendency to unsettle the minds of either class, with regard to the fixed determination of the Imperial Parliament to preserve inviolate both parts of the solemn engagement by which the services of the apprenticed labourer were secured to his employer, for a definite period, and under specified restrictions."

And they went further than this; for they gave a positive opinion upon the merits of the apprenticeship itself.

> "Upon a general review of the evidence which they have received, they conceive that they are warranted in expressing a belief, that the system of apprenticeship in Jamaica is working in a manner not unfavourable to the momentous change from slavery to freedom which is now going on there."

Next, as regards the views of Mr. Buxton. That gentleman had felt the injustice of deciding without hearing. He declared, in November last, "It can hardly be expected that Parliament will pronounce its verdict until our evidence has been stated in detail, and the apprentice-holders have been heard in reply." He had further said, "I am utterly deceived if you find one hundred men in either House, who will vote even for inquiring whether the apprenticeship ought to be abolished." Such was, I must say, Mr. Buxton's unbiassed opinion, with the evidence before him. It is stated, that he has altered it more recently. I claim the authority of his former declaration. I have a high respect for his motives, and every confidence in his judgment, when acting for himself, but less, I admit, when he has been thrown into the boiling caldron of agitation. The letter I have quoted is from North Repps Hall: at another hall, Exeter-hall, I am more suspicious of his opinions.

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[*] Afterwards replaced by Sir Stratford Canning.

But as regards his connexion with the report of 1836, I need only say, that he was present at the discussion when it was unanimously agreed upon, and that he took an active part; and the meeting was a numerous one. My recollection of what passed on that occasion, and of expressions which were used, is extremely distinct: and although I should not think it desirable needlessly to enter into those details, I should feel it my duty to do so, if any attempt were made to question the fact, that Mr. Buxton was *bona fide* a concurring party to that report.

Is it not a remarkable circumstance, that of all those to whom the House delegated this momentous inquiry, not one could be found to move or second this resolution, which has been left at the mercy of strangers, and but one of fifteen members of the Committee has spoken in its support?

Sir, I divide the argument on the merits of this case into two parts: the first, that which regards the relations between the planter and the negro; the second involving those between the planter and the Imperial Legislature. I admit, I avow, I contend, that these are questions entirely distinct; and if a case of hardship can be made out affecting the bulk of the black population, then I think their wrongs call in the first instance for redress; and that although the planter might, in such case, have a claim on the Government for compensation; and although I am well aware, that in practice, his postponing that claim till his hold on the services of the negro had been absolutely withdrawn, would in practice deprive him of the hope of obtaining for it a fair consideration, yet still, because the theory of justice requires it, I am content to depend simply upon this issue, the condition of the negro population. And if I go first in time to that branch of the argument which I have placed last in importance, it is only that I may disembarrass my mind of the pecuniary question, before I proceed to argue what is most weighty and essential.

I maintain, then, Sir, that there is a compact in this case. There has been much special pleading upon the term. And, indeed, it is in strictness difficult to say what compact there can be between a supreme legislature and subject bodies or individuals; because a compact, by its definition, implies that two parties are agreeing to do something which they had the power not to do; while, on the other hand, the idea of a supreme legislature implies, that it has, in the last resort, an absolute control over all that belongs to the governed, and, consequently, they cannot give to it what it already possesses. But in substance and in practice it is otherwise. We hear constantly, for example, of the original contract or compact between the ruler and the subject. Where is that contract written, or in what store of archives is it preserved? It is written in the nature of things; it is merely a form of expressing the essential obligatory relations which connect the parties. And so in this case; there was all the substance—there was the nearest possible approach to the form of a contract in the Abolition Act of 1833, ratified by his Majesty; it had every sanction that the proceedings of Parliament could give, and it had a yet deeper foundation on the immutable principles of justice.

As between the administration of Lord Grey and the West-Indian body, the compact was clear even in form. To show this, I will state, in the presence of the noble Mover of the Bill, who will correct me if I am inaccurate, that before the final basis of the plan of emancipation was submitted to Parliament, Lord Spencer and Lord Stanley, on the part of the Government, had an interview with several gentlemen on the part of the West Indians, to whom they offered the choice of the following three alternatives, in the nature of compensation.

The first: a grant of twenty millions, with twelve years' apprenticeship.

The second: a grant of twenty millions, a loan of ten millions, and a seven years' apprenticeship.

The third: a grant of fifteen millions, a loan of ten millions, and a seven years' apprenticeship.

The West Indians preferred the first; but any Gentleman will perceive, from equating these three alternatives, that in the estimation of the Government, the extra five years of apprenticeship were of the value of five millions sterling, paid seven years in advance; and I advert to this for the purpose of showing, first, how specifically the apprenticeship* bore a computed value as part and parcel of the compensation; and, secondly, that when Parliament indicated, as was believed by the noble Lord, a disposition to refuse its assent to these terms, he, acting as he did with the strictest honour, felt himself bound to them, until released by the agreement of the West-Indian proprietors, to accept a compensation, less, as I have shown, by five millions at seven years' advance, than that which the administration had deemed to be an equitable amount.

I will next show that the remaining term of this apprenticeship continues to bear a marketable value, by a reference to cases in my possession.

I take first the case of forty-eight negroes, whose services were purchased in December last by Mr. Spencer Mackay, a planter of Demerara, at 92*l*. sterling per head, for the residue of their time, amounting to two years and seven months. Next, that of about 100 negroes, whose time was purchased at the same period by the Government of British Guiana, at about 100*l*. sterling for each labourer. I request the House, in passing, to observe the very high value of effective labour in that colony: it is not the apprentice alone who has to pay dearly for its purchase.

Lastly, I quote a case, from Jamaica, dated no farther back than the 20th of January last, and announced by the last packet, in which Mr. Robert Page assigned to Mr. Joseph Gordon, as attorney for Sir Alexander Grant, the services of the Hill Side apprentices, comprising of able-bodied persons about thirty, with certain others, for 1,000*l*. sterling.

Thus the House will see with what perfect confidence the West-Indians are reposing on the faith of the British Legislature, and with what entire unconsciousness of the charge, that the compact between them has already been made void.

And now with regard to the amount of the consideration which the West-Indians received. It has been said, not only by Lord Brougham, which is of less moment, but by such persons, for example, as the Bishop of London—of whom I shall never speak but with sentiments of the highest respect and esteem—that the planters have been sufficiently compensated for the labour of the slaves by the grant of twenty millions, without the guaranteed labour of the apprenticeship. It is alleged, and commonly, that they are enormous gainers by the bargain. I deny it; but I do not complain of the insufficiency of the compensation; it was a noble and a generous act in the Parliament to vote it. I only remind Gentlemen, that although twenty millions sound as a large sum, when you come to buy up the property of whole communities, or the labour required to make it available, you must necessarily deal in large sums. I find, for example, the agricultural produce of Ireland valued at 36,000,000*l.* annually, which, at twenty-five years' purchase, would give, for the gross value of land and labour (and both are included in the case before us), 900,000,000*l.* The agricultural produce of England I find valued at 156,000,000*l.* annually; which, at thirty years' purchase, would similarly give 4,680,000,000*l.* The fair and real test is not the absolute but the relative magnitude of the sum, as compared with the consideration received for it.

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* Lord *Stanley* said, July 24, 1833.—"I distinctly stated when I introduced the measure, and I do not hesitate to avow it now, that I consider the period of apprenticeship to be part of the compensation to be paid the proprietor."

Mr. *Fryer*.—"Why are we to pay anything?"

Lord *Stanley*.—"The honourable gentleman asks me a very short and a very pithy question. 'Why are we to pay anything?' My answer is, because the principles of justice require that we should not take away a man's property without remunerating him for it."

Extract from a dispatch of Lord Glenelg to the Marquess of Sligo, dated Downing-street, 31st March, 1836; and by the latter communicated to the House of Assembly of Jamaica on the 24th May.

"The abolition of slavery, and the subordinate measures required to render it effectual, present a course of events altogether peculiar and anomalous.

"That great act was nothing less than a national compact, of which Parliament was at once the author and the guarantee. Binding the people of the United Kingdom to the payment of a grant of unequalled magnitude, it also bound the emancipated slaves to contribute compulsory labour for several successive years, while it imposed upon the Assemblies the obligation of reconciling by proper laws the duties of the negro population, as apprenticed labourers, with their rights as free men.

"On the part of the British treasury, as on that of the emancipated slaves, the agreement has been carried into complete execution.

"It follows, Parliament is therefore at once entitled and bound to enforce by its power the performance of any part of the duty of the Assembly of Jamaica towards the apprenticed labourers which that body may hemselves have failed to fulfil."

Now, the noble Lord, the Member for North Lancashire, in his speech of May, 1833, valued the labour of the slaves at 30,000,000*l.* It was, however, valued by appraisement, under the assistant commissioners of compensation in 1834, at 51,000,000*l.*; and a most authentic record, namely, the averages of actual sales as ascertained by the Commissioners, taken during a period of depression, namely, that from 1822 to 1830, gave a value of 45,000,000*l.* Over and above this was involved the whole amount of the lands, works, and buildings, which were dependent on the supply of labour. For this, then, it was, that you gave twenty millions, paid six years in advance, with an apprenticeship to 1840.

But further, we must recollect, that the experiment of apprenticeship at the time was considered by the most eager promoters of abolition as one that would be ruinous. The noble Lord, for example, now Secretary at War (Lord Howick), prophesied that it would fail to secure labour. Something was, of course, to be allowed for that uncertainty, connected with those anticipations, nor are the West Indians to be reprobated if they have been falsified.

Now, Sir, it has been observed, that property has become marketable during the apprenticeship, and that a stimulus has been given to the cultivation, and that these causes have made the West Indies absolutely gainers by the change.

With regard to the first, the case is this.—Before the abolition of slavery, the excitement upon that subject had been such, as to throw the greatest uncertainty upon the title of West-Indian property. In a state of which uncertainty was the main characteristic, it became better worth the while both of buyers and sellers to wait for some settlement of the question, than to run the enormous risks on the one hand, or incur the immense losses on the other, which would then have attended the transfer of the property. But when the Abolition Act was passed, you gave a new legal guarantee to the labour on which the planter depends; security was substituted for doubt, and estates became saleable. But at what price? We have the evidence of Mr. Miller and Mr. Oldham, given before the Committee of 1836, to the effect that the price paid has been little beyond a number of years' purchase corresponding with the remaining term of apprenticeship. Mr. Miller was asked, with respect to an estate sold at 6,000*l.* (and which had been valued, more than twenty years back, at 60,000*l.* currency,) whether that sum was fixed on a calculation that the returns during the apprenticeship would replace it; and whether nothing was allowed for the subsequent reversion? His answer was, that it had been valued with reference to the probable returns during the apprenticeship, and that they gave little consideration to the reversion. Mr. Oldham testified, that he had bought for 12,000*l.* what cost 35,000*l.*, and he was willing to be a buyer, but only at four years' purchase.

Next, with regard to the encouragement of cultivation. There is no doubt that such has been in some instances the fact: often, as respects sugar, to the injury of other products. But what was the nature of this compensation? It was money paid altogether in advance; it was paid for two things, (besides the freedom of the children), first the fourth part of the apprentice's working-time for six years, and next for his whole time at the end of that period. Thus, a large portion of the money was actually given six years before the equivalent for it, was to be rendered. Of course, the intermediate effect was, release from incumbrances, and increased activity; but it was burdening the future to relieve the present—it was as if a man in this country should raise money by anticipation, six years beforehand, for the improvement of his estate; or as if one should obtain it by *post obit* bonds; and what could possibly be more inaccurate, than to mistake an artificial stimulus of this description for stable and permanent prosperity? In point of fact, we have not yet arrived at the real solution of this question, and we shall not know with any certainty, until the apprenticeship has expired, how stands the account between the state and the planter.

But I proceed to circumstances of probability which bear upon that future solution.

I find from the evidence before the Committee of 1836, that the crops were only kept up at their previous amount, when the whole interest of the compensation money was laid out upon them; but I have shown that a part of that money does not properly belong to the period of apprenticeship, and therefore we have here the resources of the future forestalled, in order to meet the present necessity.

I shall next give some facts, which I take on account of their lying within my own private knowledge, and tending to show, in the first place, the general depreciation of West-Indian property, not specially connected with the Abolition Act.

The estate of Lacovia, in Jamaica, was purchased by Mr. Watt about the year 1813. It stood in his books, charged with 115,000*l.* The compensation upon it would be about 4,200*l.*, the people being two hundred and fourteen. It was bought within the last year for 9,000*l.* by a person to whom local circumstances gave it an extra value. Here we have a disappearance of 100,000*l.*

The Campbell estates in Jamaica are termed Holland, Fishriver, and Petersville. On the death of their possessor in 1821, they were charged with legacies and annuities to the amount of 63,000*l.* They were mortgaged at the time for 81,000*l.* Assuming the whole to have been absorbed under these heads, we have a value thus indicated of 144,000*l.* The compensation upon the three did not reach 14,000*l.* The estates or shares in them have changed hands under the apprenticeship, at prices the aggregate of which is 29,000*l.*, leaving unaccounted for, the sum of 101,000*l.* I am not aware of anything in these cases which renders them exceptional.

I proceed to another case, which I believe represents West-Indian property under the most favourable aspects, and which does exhibit the effect of the Abolition Law upon its value. The facts lie entirely within my own knowledge. A planter holding four estates in British Guiana estimated them, in the year 1831, at 300,000*l.* The estimate is more than justified by the fact, that in the year 1826, a moiety of two of these four estates, which were worth about one-third part of the entire 300,000*l.*, was sold for 75,000*l.*; and that the number of people, upon the whole, being 1,310, is demonstrated, by the amount of compensation, actually paid for them, to have had a value as slaves, under the averages of the Commissioners, amounting to 160,500*l.* while the lands, works, and buildings, are usually taken in British Guiana at as much more. This proprietor has received 72,400*l.* as compensation money, leaving 227,600*l.* against the estates. He would gladly agree to dispose of his interest in them after 1840 for 100,000*l.* payable at that time; leaving a loss of 127,600*l.*, or about 42½ per cent on the entire value. And this I believe to be in every respect an advantageous case.

Sir, I have laboured this point hard, at the risk of wearying the House, because I feel, that if the West Indians had really enjoyed a gainful bargain, and this in addition to being charged with a broken engagement, that new circumstance would have added a deeper dye to the baseness of which they are accused.

And I must still make reference to the most authentic mode of proof, namely, the general returns of produce, and revenue for the colonies, from their great export, that of sugar, for which there has been a tendency to sacrifice every other article.

I take accordingly the quantity of sugar imported into this country, and the Gazette average price, first in the year 1814, where the proceeds were highest; next in the years 1816-18, after the peace; (in both these cases, the Mauritius is excluded from the returns); thirdly, in the years 1832-4, a period of great depression, and the last years of slavery: and fourthly, the years 1835-7, being those of apprenticeship. They stand thus—

Year.	Quantity, in Tons.	Gazette Average Price per Cwt.	Gross Proceeds
1st. 1814	£196,200	73*s.* 4¼*d.*	£12,484,000
2d. 1816	£185,000	43*s.* 6¾*d.*	£8,354,000
1817	190,400	49 8	8,850,000
1818	196,100	50 0	9,163,000
	3)571,500		3)26,367,000
Average	£190,500		£8,789,000
3d. 1832	£211,000	27*s.* 8½*d.*	£5,855,000
1833	209,000	29 7½	6,196,300
1834	214,000	29 5	6,209,500
	3)634,000		3)18,351,800
	211,300		£6,117,260

4th. 1835 -	£200,000 -	33s. 6d. -	£6,700,000
1836 -	197,000 -	40 10 -	8,055,000
1837 -	184,000 -	34 7½ -	6,366,000
	3)581,000 -	- - - -	3)21,111,000
Average -	£193,660 -	- - - -	£7,037,000

If then we compare the annual proceeds under the apprenticeship, favoured as they have been by high prices, with the three last years of slavery, we have an increased return of 920,000*l.* annually: but if with the highest returns which the West Indies have made, a decrease appears of 5,447,000*l.*; and if with the first years of the peace, a decrease of 1,752,000*l.*

The profits have been chiefly in the crown colonies, where legislation under the Abolition Act has been within your own control.

Jamaica has gained nothing, as appears by the following calculation.

1st. 1832 -	71,570 tons, at	£27	15	per ton.
1833 -	62,850 - - -	29	13	—
1834 -	62,810 - - -	29	8	—
	3)197,230	3)86	16	
Average—	65,776 tons, at	£28	18	
		Average gross price -	£.1,874,000.	
2d. 1835 -	57,430 tons, at	£33	10	per ton.
1836 -	52,700 - - -	40	17	—
1837 -	44,200 - - -	34	12	—
	3)154,330	3)108	19	
Average	51,400 tons, at	£36	6	
		Average gross price -	£1,865,880.	

I regret to say, that Antigua is also a loser, under the operation, however wholly, or partially, of natural causes, since 1834.

1832 -	7,160 tons.	1835 -	8,730 tons.
1833 -	6,480 —	1836 -	6,770 —
1834 -	12,850 —	1837 -	3,600 —
	3)26,490		3)19,100
Average -	8,830	Average -	6,360
Value -	£.251,655	Value -	£.230,868

And thus, Sir, having shown the amount of present returns, and the probability of future loss, I have only to add on this part of the subject, that I do not regret that loss, whatever it may eventually be. I do not complain that, bearing a share as a portion of the community, the planters should likewise make an additional and a heavy sacrifice. To emerge from such a state as that of slavery without serious loss, would be alike beyond our deserts and our anticipations, but I think it hard only, that an accusation of enormous profits should be brought, when the case is likely to prove the very reverse.

I now approach the more essential portion of the argument. There was a compact. Has it been broken by the West-Indian body, or by the Assembly of Jamaica? Sir, when the bill of 1833 was passed, Parliament itself provided a criterion for determining absolutely, whether the substance of the compact had, so far as legislation was concerned, been fulfilled.

The decision was referred, by some strange error, not to an unseen and unknown Committee, but to the King in Council and to his administration, acting on their public responsibility! In every single case, this, the appointed authority, has long ago declared the conditions to have been fulfilled. But a question arises, respecting the subsidiary and secondary legislation required for carrying out the spirit of the Act. I do not seek to avoid this question, but it is a distinct one. And here, I neither myself comprehend, nor can I undertake to vindicate, the conduct of the Assembly of Jamaica. Heartily do I wish that it were in the power of those who hold the property of the island to influence more sensibly the composition of that body, by whose acts they must be bound. I observe, however, in the first place, that the questions now raised are supplemental questions, not comprised in the Abolition Act, but beyond it: and in the second, that Parliament in the last resort has the responsibility, for it retained the power of supplemental legislation in its own hands. It has retained that power in law, for in the sixteenth clause of the Abolition Act it makes no absolute surrender to the assemblies, but merely states that it cannot be exercised by the British legislature, "without great inconvenience." It has retained the power in practice, because in the year 1836, when an useful law of Jamaica, denominated the Act in Aid, had been suffered to expire, Parliament interposed, and without protest, except, I believe, on the part of the then Member for Bath, a bill was passed for renewing that colonial act, and thus, you have laid at your own doors the responsibility, if legal abuses and defects have not been removed. Had you reserved no power of interference with details short of breaking up the entire compact, I will not now inquire whether the merits of the question might have been different.

I now proceed to the case of Jamaica, and I shall endeavour to deal with it explicitly and in good faith, without omissions, though my memory may not enable me to gather and notice all the allegations that have been made in the entire course of this debate. I shall not refer to anonymous and unauthenticated statements, but I shall found my argument almost wholly upon the public reports of responsible officers, laid upon the table of this House, and open to exposure if their statements had been false. I should blush to follow the course of the hon. Gentleman (Mr. Pease) who seconded the present motion, and who occupied the House with allegations from nameless persons, which it is wholly impossible to test. No, Sir, I had forgotten; in his courtesy he promised me the name of his informant; vote away the apprenticeship to-night, and give me the name to-morrow morning! Really, Sir, to advance such charges, and to expect that within a few hours of their promulgation this House is to go to a definitive vote on their uninvestigated credit, is the veriest mockery of justice that imagination can conceive. But I thank the hon. and learned Gentleman, the Member for the Tower Hamlets (Dr. Lushington,) for he, first of his whole party, seems to have disclaimed the idea of deciding this question upon rare and individual cases, and to have been struck with the idea that it was well to refer to the accredited statements which public functionaries have sent home. Sir, I agree with him; but, from the source to which he has referred me, I will show the falseness of his conclusions: and I agree with him in another principle which he laid down, that we are to be bound by the rule and not the exception in the conduct of the planters; I join issue with him on the very terms which he stated, and which at the moment I took down, "that the contract has been broken by a very large and preponderating majority of the island of Jamaica."

First, as to the abuses in the law; they were for the most part before the Committee of 1836, when it came to its unanimous report. As to those which have since come to light, they are completely met, together with the first, by the provisions of the bill now before the House. That bill, says the hon. and learned Member for Dublin, (Mr. O'Connell) goes to establish a dictatorship or a despotism in the West Indies. Sir, it is true that the provisions of the bill for the protection of the negro are most stringent; the constitutional rights of their employers are utterly set aside in the bill, to secure that great object; and I enter into no questions of political privilege, I freely waive those rights, not now for the first time, but as I have ever been ready for such a cause to do; I think that the West Indians, on every ground, but especially as non-resident proprietors, are bound to yield everything for the protection of the negro; in the substance and principle of the enactments of the bill I entirely concur: and I have a right to ask, why have we not had this legal remedy at an earlier period? Sir, I do not hesitate to state my deliberate belief that the postponement is mainly owing to Mr. Sturge and his coadjutors.* They went to the West Indies. They accepted the civilities the hospitalities, of managers and planters: they stored up all allegations of abuse until they had reached a distant land, where it would require much time to investigate their truth. They pursued a course the very opposite of that which in common sense would be followed by men anxious only for the truth. What right had Mr. Sturge to distrust the willingness or the power of Sir Lionel Smith to investigate his allegations? After all, it is to him that they have been referred: it is upon his report, in the shocking case of James Williams, that we rely. Why was this not done in the first instance? Why was Sir Lionel Smith, in whom perhaps, as much as in any governor of any of our colonies, temper, talent, principle, and judgment, are combined, thus suspected by Mr. Sturge? Even his politics, I believe, are akin to those of the administration. Now, had he gone to Sir Lionel Smith with the narrative of Williams, the inquiry would have been instituted, the report sent home early in the last Session, and the Government would have come down with an irresistible demand for new enactments: twelve months of many difficulties and some suffering would have been avoided, but an opportunity for agitation and excitement would have been lost. So much for the case of defects in the law, which has been seriously raised in this debate with regard to Jamaica alone, and which I have thus argued, affords no ground for abolishing the apprenticeship.

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* On Mr. Sturge's retention of the statements which he had obtained in Jamaica, Lord Glenelg thus writes to Sir Lionel Smith, in a despatch dated 1st. of February, 1838, and to be found at page 264 of the Papers, Part V.

"I confess I deeply regret that the circumstances which have led to the present inquiry, instead of having been brought under the notice of her Majesty's Government, for the first time in a pamphlet printed and circulated in this country, were not fully stated to you in Jamaica, when they first came to the knowledge of the parties, through whom they have at last happily transpired. Had this course been adopted, the dismissal of Mr. Rawlinson would have taken place at a much earlier period, and the authentic statement of the written disclosures, contained in the evidence now before me would long since have supplied a motive and laid a foundation for a more complete remedy than it has yet been in the power of the Government to provide against the recurrence of such enormous abuses."

And Sir Lionel Smith writes, dating 16th of July, 1837, (see p. 271 of the same papers,)

"It would be puerile in me to complain of the want of personal courtesy in Joseph Sturge, but I do complain of his want of confidence in me to put him in the way of the best information.

"I should have felt obliged to Joseph Sturge if he had told me of any abuses he had discovered in our system towards the apprentices."

I pass to consider the actual condition of the apprentice population; for if the practice on the whole be good, you would scarcely punish with severity the deficiencies of the law, even were they of a different order. Remember always, that the question is, whether the generality or the majority of the planters have violated the compact.

I divide the evidence into two classes: that which is *ex parte* , and that which has a public authority, or has been subjected to investigation. And with respect to the first, I apprehend I am justified in arguing, that the only use which can be made of it is, as a reason for inquiry: it cannot warrant a definite vote. Upon any other principle, no man, no relation of life, can be secure. I need only, then, consider the authenticated statements, for the purposes of this debate, and these afford no ground of serious allegation, except in the case of Jamaica.

Now, Sir, I differ from those who have preceded me in the means I have pursued for the collection of the general effect of the evidence from the papers on your table. I am prepared to rely upon the reports of our governors and of the stipendiary magistrates. Attempts have been made to impeach the veracity of these gentlemen: yes, made by persons who themselves are not ashamed to be accusers upon anonymous or irresponsible testimony. It is said, that the magistrates receive the hospitalities of the planters; and it may be true: but the House is to recollect, that in the West Indies, dispersed as is the population, and the country destitute of inns, the man who refused hospitality would be regarded in the common opinion as a monster; it is given as a matter of course, and almost a right, and not as a matter of personal favour. If, however, I grant, that from this cause there may be an influence—is there none to countervail it? These magistrates are a body of English gentlemen; many of them from those services which are marked by the highest sense of honour; without West-Indian interests or prejudices: but this is not all; they are judicial officers, and yet they are not, as judicial officers should ordinarily be, exempted from the control of the executive government, but they are absolutely dependent for their subsistence on the respective governors, and dismissible at their pleasure, while the governors, I need not say, represent the Administration at home, so that if there were matter of charge against them it would redound upon the imperial authorities: but there is no evidence of the kind. There have, however, been two actions against them, with unfavourable verdicts given by Jamaica juries. And here I may say, I am not favourable to the interposition of West-Indian juries, as at present constituted, between the planter and the apprentice: and my hon. Friend, the Under Secretary of State for the Colonies, can correct me if I am wrong in stating, that he knows this is, with me, no new opinion. But let us take them as they are. Two verdicts were found against special magistrates: yet it is fair to add, that I find, in page 133 of the Parliamentary Papers, Part V., that Mr. Colin Chisholm, a considerable proprietor and attorney, had been fined 100*l.* at the Surrey assizes, for an assault on Mr. Special Justice Bourne. I could cite, on the other hand, a case of a special magistrate, who was fined seven thousand guilders, not by a jury, but by professional judges, holding their appointments from the Crown, for an assault on a white person. These magistrates are not infallible: but is it to be supposed for a moment, that a body of one hundred and fifty English gentlemen could be terrified out of the discharge of their solemn duties by the results of three actions in Jamaica, one of which was favourable, while in the other two the charges were borne, and properly borne, under the circumstances, by the Government? These magistrates have the freest access to the negroes: they spend their time in itinerating over the estates: they have all the means of information and the will to use it, and to their information I appeal.

We have in the Papers, Part V., a despatch of Sir Lionel Smith's, dated 8th September, 1837, conveying fifty-six inclosures, which are the last quarterly returns from fifty-five special magistrates. It did certainly appear to me, though it had not so appeared to the hon. and learned Gentleman (Dr. Lushington), that as these reports contain for the most part specific answers to a set of twelve questions from the Governor upon the state of the negroes, the natural course was, to place them in a tabular form; and I shall now give the most important of the results, particular by particular, point by point. He has done otherwise: as he has read individual statements respecting free children who are tended by their parents alone, so I could read an account from a magistrate, who states that they are neglected by their mothers, but supported by the planters; but I shall look for general results. He boasts that he has thrice read the documents: what avails it, when his repeated perusals have only enabled him to read partial extracts which coincide with his views, and to make that general allegation respecting the effect of their evidence as a whole, which I will utterly overthrow by the process I have stated.

With hardly an exception, they testify to the good disposition of the negroes.

As respects the reciprocal feeling of employers and employed, nine only of the fifty-five report it to be otherwise than good. I deeply regret that there are nine such reports: but let us not forget the forty-six.

As respects the nine and eight hour systems, the House should know that this has been one of the great causes of bickering: I will not detain you by explaining the phrases further than to say, that they denote different distributions of the time legally exigible, of which the first is taken to be more convenient to the negro than the other. Now, of the fifty-five, twenty-nine only make a special report on this subject; and I take it for granted, therefore, where they only deal in general terms, that they had no specific grievance to mention. And how are these twenty-nine subdivided? Of the twenty-nine, one says, that the eight-hour system prevails and is not unpopular with the negroes: another, that it is falling into disuse, because the negroes have begun to dislike it: two, simply that it is in general use: and twenty-five, that the nine-hour system is in general use.

The next important question of grievance is that which relates to the customary indulgences. Their withdrawal, in certain cases, has been made matter of serious complaint. They were not legally demandable under the Abolition Act: but I think that in equity and in kindness they were due; and I am willing to be bound by these principles, as if they had the stringency of law. The Committee of 1836 reported that they were very generally given on the larger properties: I do not, however, stand on that report, and I look to the special magistrates to assure me what is the conduct of the majority. There are thirty special reports upon the point. Of these, one states that they are commonly given, on condition that the negroes shall work for wages. Three state, that they are given as a consideration for extra labour. Two state, that they are generally withheld. Twenty-four state, that they are generally given without reserve.

Another point is that of manumissions, on which there is, undoubtedly, a case of hardship. I think the tribunal has been a bad one, and I deeply regret it, if the negro has been in any case paid one pound or one shilling beyond the real value of the labour he has brought out. On this subject there are nineteen or twenty special reports. Eight state that there is little desire to redeem the residue of the apprenticeship: eleven or twelve, that the negroes are too poor, or the valuations too high. But now let us look at the amount of the grievance. And here again I refer you to an authentic statement. In page 89 of Papers, Part V., you will find a return of concluded and unconcluded valuations, from the 1st November, 1836, to 31st July, 1837; the average term bought up was three years and five months, the average price 18*l.* sterling, or 29*l.* currency: a price higher, probably, than it should have been, yet not of the enormous character that has been represented, considering that the manumitted negroes are, on the whole, I apprehend, of a superior class: nor, on the other hand, have the great mass been repelled, for it appears that in these nine months one thousand and twenty valuations have been concluded, four hundred and five have remained unconcluded. Now, Sir, I do trust, that, allowing for the possibility of error in units, I have dealt fairly by the House and by the merits in the manner in which I have here addressed myself to the examination of the evidence.

I pass to another important subject, that of education. Now this has always been a sore point during West-Indian discussions, and old prejudices are not easily removed; but the state of feeling undergoes daily improvement, and that improvement will, please God, continue, if it be not intercepted by the present agitation. Again I refer you to a public document: it is the report, dated October 19, 1837, of Mr. La Trobe, a gentleman appointed by the present Government, and not being a member of the Church of England, to inquire into the state of education. I find in the eleventh page of that report,

> "That active opposition to the various plans set on foot for the education of the apprentice or his children, by whatever religious denomination they may be proposed, is rarely to be met with, either on the part of the authorities or of influential individuals."

And again,—

> "It is to be admitted, that many exhibit great apathy with reference to the question, yet it is no less true that the change of public opinion on this head in the island has been such as to surprise those acquainted, for even ten years past, with the colony, and with the strength of prejudices, which the former state of things had apparently rooted in the mind of the community at large, beyond all hope of speedy eradication; and when every few months give proof of an advance in the public feeling on this head, and bring with them the hearty and liberal co-operation of many influential individuals, who, up to a recent date, comparatively, were foremost in opposition, there is certainly every encouragement held out to the friends of education, at home and in the island, and far more reason to wonder that so much had been already achieved, than that so much remains to be done."

I now come to the most painful portion of the case; the abuses connected with the management of certain prisons in Jamaica. Even here I must observe, it is satisfactory to find that, as in the first place the learned Gentleman has dealt only with the case of Jamaica, containing a minority of the entire apprentice population, so, with reference to the cases of cruelty, we have only to deal with a small and diminishing minority of that minority, for they refer only to those, I believe, who have been convicted under the Abolition Act. Now, Sir, let me say, that I have no apology to offer for the monstrous offences which have been detected in the workhouse of St. Ann's, and, in various degrees, in a few of the other workhouses of Jamaica: but I ask again, do they affect the mass? Do they establish a rule? I might say, you cannot prove this: I deprecate the method of the learned Gentleman, who refers to some paper from the parish of Trelawney, signed by seventy-three persons, on the subject, I believe, of labour, and on that evidence he proposes to convict the whole white population of Jamaica; but they—no I beg pardon, the white and coloured population of Jamaica, amount to between forty and fifty thousand. I shall, however, give you positive evidence that the cases of these workhouses are exceptions, the evidence of Sir Lionel Smith. And let no man say that governors are ignorant. He writes from a personal inspection, which much to his honour, he caused to be instituted into the state of the workhouses, before the mission of Captain Pringle, and before he had received the evidence of Mr. Sturge. On the 12th of June, 1837, he writes, as Gentlemen will find at the 310th page of the Papers, Part IV.

> "Having lately returned from an inspection of the greater part of these buildings, I am enabled to report that, in most instances, I found them well regulated, and under a careful supervision, from which the special magistrate is by no means excluded: and I have every reason to believe, from the disposition manifested by the local authorities, that I shall have no difficulty in obtaining such modifications of the existing rules, as may appear to me desirable."

And at a later period I think he announces his further progress in the examination, without varying from the tenor of this report.

But observe, Sir, this is a question of prison discipline, not of apprentice law. The prison discipline of the West Indies may be bad: but let Gentlemen remember, that this is ordinarily one of the last departments which is affected by social ameliorations. As in England persons are unwisely beginning to call workhouses by the name of prisons, so in Jamaica the district prisons are habitually called by the name of workhouses. Now, are Gentlemen aware what were the sufferings and abuses detected in this country by the philanthropic Howard, no more than some half a century ago? Do they know what my hon. Friend, Mr. Buxton, published in his work on prison discipline, dated, I think, in 1818? Nay, have they read the reports of the prison inspectors but two two or three years back, with regard to the gaol of Newgate? If they have, they will be slow in applying to the prisons of Jamaica a test, which those of England itself are but beginning to be able to bear.

Again, it is to be remembered, that in the cases which have attracted so much attention, there has been delinquency alleged on the part of two special magistrates. One has not been heard. One has been dismissed. He does not represent the character of the body.

But I shall now beg leave to introduce another question which the hon. and learned Gentleman has altogether avoided, one, however, which was urged with tremendous and resistless force during the discussions on slavery, the question of punishments: one which does exhibit facts connected with the mass, and not with single cases alone, because we have periodical returns from all the magisterial districts of all the punishments inflicted, made by those who have pronounced the sentence. I refer you to page 332 of the Papers, Part V. You will there find, that in the month of May, 1837, there were punished in Jamaica, males by whipping, 282; otherwise than by whipping, 855; females 860; total 1,997. But by the month of August an immense improvement is exhibited: we then find males punished by whipping, 105; otherwise than by whipping, 585; females, 498; total 1,188: so that there is a decrease, in three months, of nearly one-half upon the aggregate of punishments, and of nearly two-thirds upon the floggings. I regret, that any should remain: yet how different is this authentic statement, for the colony, the peccant colony of Jamaica, from the representations that have been made by the opponents of the apprenticeship.

Sir, I hope that, as well as the infirmity of memory will allow, I have dealt with every allegation regarding Jamaica. I have gone fully into the case, because the greatest stress is laid upon it by the supporters of the resolution. A right hon. Friend reminds me that I have not mentioned the flogging of females. But I have dealt with it in substance. In the instances where it has been proved to have occurred, it has been the grand abuse in the prison discipline: it is in itself monstrous—is a legal offence against the Abolition Act: it cannot be punished with too much severity; and, but for the course taken by Mr. Sturge, it would have been effectually prevented long ago: but it is a question of prison discipline, not of the apprenticeship system.

Undoubtedly it was an omission in the Abolition Act—no human wisdom could foresee everything—that when you were most properly providing an independent jurisdiction for the adjudication of questions between planter and apprentice, you did not also make provision, that the stipendiary magistrate should have an effectual control, in all respects, over the prisons to which he was to sentence offenders: yet this fault is not with the planters; and I entreat the House to consider what would be the effect of rejecting the Bill, and carrying the resolution? The Bill of the Government does stop the abuse: if it be now a legal offence it may be stopped without any Bill; but if not, the resolution makes no provision whatever against it, and there is nothing to prevent its introduction into every prison in Jamaica!

Sir, I pass to the other case on which the supporters of the resolution have staked its issue, that of British Guiana. Against the other colonies allegations are not made. I think myself, therefore, justified in omitting to consider them. The hon. Seconder of the motion (Mr. Pease) chose to introduce British Guiana. Truly can I say to him, "I thank thee for that word." He talked of the blue books, and stated he had read them. He must have dreamed it. I do complain of Gentlemen who make reference to Parliamentary documents, to which they have evidently paid no real attention. He utterly overlooked the plainest and broadest statements of those books; and gave us instead a mass of private and wholly unauthenticated allegations, chiefly of individual cases, which it is of course impossible to meet one by one; and I will not meet them by replies of a similar order from planters and attorneys. I shall avoid the practice which I have blamed in my opponents, and out of those very books I shall utterly confute him (unless where it has been done by my hon. Friend, the Under Secretary for the Colonies already) upon every point that he attempted to raise.

He raised a point upon a decrease of population, with an enormous increase of produce: a decrease which he admits he cannot prove, and an enormous increase which I can disprove. Sir, the average import of sugar from British Guiana was, in the years 1832–4, 41,790; in the years 1835–7, it was about 47,978 tons. There may be a slight inaccuracy in this return. It exhibits an increase of one-eighth, for which I account by the following not imaginary causes: the increased investments in works and machinery—the succession of three remarkably fine seasons—the circumstance that sugar cultivation in British Guiana has been gradually, for a series of years, supplanting every other,—and, lastly, the introduction of several thousands of additional labourers.

He complained next, that the distance to the field was taken out of the time of the negro. He seems to be quite ignorant that Lord Glenelg has long ago declared that it should be computed as a part of the time due to the master, and that Lord Glenelg has the power of regulating the law upon the subject as he pleases.

He complained of the treatment of the sick; and he mentioned, that upon the estate of Wales, in which those with whom I am connected are concerned—but he took away all personal point from the attack by adding, that the sickhouse there was one of the best—lamp-oil and other nauseous substances were administered to invalid negroes, to ascertain the reality of their indisposition. He had this from one of his anonymous friends, with whom I should be delighted to make acquaintance across the table of one of the committee rooms of this House. Sir, I need hardly say I have no information on this monstrous statement: but I hope the House, when they have heard what is the general treatment of the labourers of British Guiana, will think me justified for the present in disbelieving it. If the hon. Gentleman shall think fit to introduce into the bill before the House a clause forbidding to administer lamp-oil to the negroes, he shall have my best assistance. But, seriously, Sir, I invite the hon. Gentleman to supply me with a statement of his charges, that an immediate inquiry may be instituted. The result of that inquiry, be it what it may, shall be entirely at his service.

With regard to his general statement, I may offer in answer one which I myself received from Mr. Willis, lately a judge in British Guiana, and now advanced to an office in New South Wales by her Majesty's Government, in the presence and hearing of the late Member for Weymouth, of the Member for Leeds, and other Gentlemen. He said nothing indeed of lamp-oil, but something of wine, meat, and soups provided for the sick: he stated, that the practice of medical men on estates was considered to be very valuable: that there was no point in which the planters of British Guiana were more commendable than in their treatment of the sick apprentices.

And similarly with regard to the reduction of food: I know, in those cases of which I am cognisant, that the labourer receives ten pints of rice weekly, (when plantains are deficient), which are stated to yield forty-five pounds and upwards of edible food, together with three pounds of salt fish, and several other allowances.

But I think I am justified in citing the twelfth question addressed to the fifteen stipendiary magistrates of the colony, as comprehending both these heads, and their answers; and here, long as I have necessarily been, I am scarcely afraid of wearying the House; the conciseness of their replies, in general, is a perfect curiosity. The question commences thus:

"Have any complaints been preferred to you during the last month, from any apprenticed labourers, respecting their clothing, food, treatment, or upon any subject?"

And now I take the latest answers that are printed, those for February 1837. They run to this effect.

"None. None deserving of notice. None. Two—the parties were fined. No. None. None deserving of notice. None. No. No. No. One referred to the sheriff. None. None. None."

I have made no undue selection. This is the general tenour of the reports. And is it in the face of facts like these, that upon nameless testimony gentlemen can expect a British Parliament to break faith with the planters of Guiana?

And now, Sir, I take the condition of mothers, and the abandonment of the free children. And I will show, as was shown by my hon. Friend (Sir G. Grey) last night, that the planters have done much more than was required of them, either by the letter or the spirit of the compact. The parents were bound to support the children, or apprentice them: they have not supported, they have not apprenticed them: but the reports of the magistrates apprise you, in answer to question fourteen, that upon every estate throughout the colony, except three, the planters, without either present or prospective equivalent, have continued to supply to the free children the whole maintenance and care which in a state of slavery they had received. But who are these three unnatural proprietors, that form the exception to the general practice? No, Sir, not even these shall be left to the hon. Gentleman. The estates named are those of Best, Tuchen de Vrienden, and Vreesenhoop. Attracted by the similarity of the last name to that of Vreedenhoop, an estate belonging to Mr. Gladstone, I was induced to make inquiry into these cases, and let the House mark the result, resting however, of course, on private information. I received a letter this day from a proprietor of the first, Tuchen de Vrienden, forwarding to me a copy of one from the manager, in which he says,—

"I can verify on oath, that the allowance of food and clothing, prescribed by law, was regularly offered for the free children, and as regularly refused."

I apprehend he means prescribed by law for slave children. The reason of the refusal was this: the parents had been persuaded, that by accepting the allowances they would incur at least an implied obligation to bind the children as apprentices, to which they were averse.

The estate of Best, I understand, is in pecuniary difficulties, and on the verge of sequestration. The estate of Vreesenhoop is actually in sequestration, and of course the court would not allow, in the accounts, any except legal charges.

The hon. Gentleman also referred to the amount of punishments; but what a strength of case have we here! When the noble Lord introduced his resolutions for abolition in 1833, he referred to the case of British Guiana, to show, a register of punishments being there regularly kept, what was the amount of corporal suffering inflicted under slavery. Two hundred thousand lashes was the number which he then reported. And how stands that subject now? Why, Sir, the use of the lash, as a stimulus to labour, has died a natural death in Guiana. The last five months show eleven corporal punishments upon a population of 7,000 persons, yielding an average of seven hundred lashes by the year; not be it observed, for neglect of work, but for theft. And yet we are to hear, in utter contempt of the demonstration afforded by this extraordinary and progressive reduction, of the failure forsooth of the apprenticeship system, and the essential vices in its principle!

I think the hon. Gentleman also complained that the forty-five hours of labour, exigible by law from the apprentice, were so distributed through the week, as to render valueless the remainder of his time. Certainly the method by which this end could be attained must be curious, and I should be glad to have the receipt. But again I meet the hon. Gentleman from the reports of the special magistrates. If he will look to question five, he will find that the hours of labour are almost always comprised between seven and half-past two, or half-past three: and how would the English workman rejoice if he could secure such a limitation! But further; I find by the answers to question four, that task-work is almost universally resorted to; and I ask who in his senses ever heard of a compulsory arrangement of hours for task-work, or can deem this reply compatible with the accusation of the hon. Gentleman?

With regard to the prisons of British Guiana, no charge has been made; but I may mention a statement received from Mr. Willis by myself, in the presence of the same gentlemen as I before mentioned. He stated to me, that the prison discipline was lax and defective, but not cruel; that precisely the same method of treatment was pursued with apprentices, and white persons, specifying soldiers in particular; that the treadmill was not more severe than those of England; and that the white persons suffered from it considerably more than the blacks.

Lastly, Sir, with respect to wages. I rejoice to say, that the field labourer of British Guiana can earn at the rate of from three to four shillings a day. Even in Jamaica he can earn up to half a dollar. But in British Guiana it is as I have stated from my own knowledge: I would rather, however, refer you to the two last reports of the magistrates on the subject, in pages 556-7 of Papers, Part IV., where they report that the negroes work for wages in the field at the rate of in one case three shillings, in the other three and ninepence, per day of ten hours.

Sir, I trust, that from the reports of these gentlemen, from their public statements, liable to contradiction, and made under constant liability to dismissal, I have disposed of the charges of the hon. Gentleman, and I boldly ask him, where is your case against British Guiana?

But what will you say to Sir James Carmichael Smith? a gentleman of undoubted honesty, and not less unquestionable talents—a gentleman whose bias is in favour, and I will say excusably in favour, of the negroes upon every doubtful point. He exercises a most vigilant superintendence. He lives close to the negroes at George Town, and he invites and encourages them to resort to him with their complaints. And he it is who tells you, that the labourers of British Guiana are an orderly, a happy, an industrious, an improving population; he it is who says to you, "I challenge comparison with any county of Great Britain."

But I cannot refrain from mentioning to the House two circumstances that have very recently taken place upon estates within my own private knowledge; for it is no part of my policy to suppress what tends to exhibit the amiable qualities of the negro character, as it is, I grieve to say, on the other side to conceal whatever is for the credit of the planters. On one estate, (that of Vreedenhoop) an inundation suddenly occurred, which threatened the most serious mischief. It was a Sunday morning—there was no legal claim upon them—but the labourers turned out to a man to erect a dam, and prevented the mischief.

The other is really a touching incident. I hold in my hand the *Guiana Chronicle*, of October 11th, 1337, containing an advertisement of subscriptions raised within the colony in aid of those collected at home last year, for the relief of the distressed Highlanders. Among the subscriptions are sums from the apprenticed labourers of twenty-two estates; and I rejoice to say, that the largest amount is from the estate of Success, where it exceeds twelve pounds. It is affecting to see, not, I am happy to think, the poor, but the humble labourer of British Guiana, thus already mindful of his distant fellow-subjects. It shows the advancement of the negro population. But it also shows the friendly relations—the white persons on that estate are chiefly Scotchmen—subsisting between the different classes, and surely it speaks volumes against the proposition for a violent interference between them.

Sir, if there had been in Guiana a breach of contract by defective laws, the fault would have lain with the Government; because I believe that the whole legislative power over that colony, except in the case of taxation alone, where it is controlled by a court called the Combined Court, is in the hands of the Government at home.

But I will not leave even that supposition to stand. Mr. Jeremie, in the year 1836, examined, with the eye of a lynx, all the colonial abolition and supplemental laws. Every man who knows his eminent abilities can appreciate that examination. Mr. Jeremie told me, before my hon. Friend, Mr. Buxton, and others, that he thought the legislation of British Guiana, with few and immaterial exceptions, was even then entitled to be termed adequate and satisfactory.

Now, Sir, you have heard of the authority of Mr. Buxton and of the Committee of 1836, on the abolition of the apprenticeship. But, observe also, in particular, that of Sir James Carmichael Smyth. He declared, as he has been cited by the noble Lord, (Lord John Russell) on the 3rd of February last,—

> "I consider the continuance of the present system until the 1st of August, 1840, as identified with the future welfare of this magnificent province."

But add to this, that when first he heard of the agitation at home, so early as in a despatch of the 19th March, 1837, he wrote to my Lord Glenelg as follows:—

> "*I assure your Lordship that I should much regret and lament the doing away of the apprenticeship.* I deprecate any sudden change or the abandonment of a system which, in British Guiana at any rate, so completely answers. Neither the planters nor the labourers are prepared for any immediate alteration. Of other colonies I presume not to speak nor to offer any opinion; but in British Guiana, not only the letter but the spirit of the Act of Parliament abolishing slavery and introducing apprentice labour have been so strictly enforced, that no act of tyranny, of cruelty, or of oppression, can take place without the speedy detection, exposure, and punishment of the person so offending."

And now learn, from a subsequent passage, which way, had he suffered himself to be influenced by personal motives, that influence would have tended. He subjoins:—

> "In thus advocating the continuance, for the present, of a system which, to a hasty observer, may appear to be too favourable to the interests of the planter as put in opposition to those of the labourer, I beg to explain to your Lordship, that I am influenced solely by what I conceive to be the general good, and that the apprentice system (if carefully superintended in its details) appears to me to be equally necessary and advantageous to both parties. If I was susceptible of being influenced by unworthy motives, the continued opposition and ill-will I have experienced on the

part of the most influential of the planters would rather have induced me to have arrived at the conclusion that the apprentice system ought to be abolished. I am, however, of a decidedly contrary opinion; the managers and the labourers are daily approximating; not only wages for additional labour are becoming more common, but fields of sugar-canes are weeded or cut down by agreement. Labour is, in fact, finding its level and its value; nothing can be going on better, and I do not think that the permanent well-being of the labourer would be accelerated by any immediate change of system. We have everything to expect from persevering in the present plan; it is impossible to foretell what mischievous effects a sudden and (in my humble opinion) an uncalled-for change might produce."

And now, Sir, I beseech the House to consider the utter impossibility of any adequate legislative preparation for the abolition of the apprenticeship in August 1838. Let me suppose, what, except for argument's sake, I regard as a purely chimerical supposition—that you could carry your resolution, and pass your Bill in June. It might arrive in the West Indies by the 1st of August. We require poor laws, police laws, jury laws, electoral laws, vagrant laws, laws for prison discipline. We require at least a currency in which it may be physically possible to pay wages to the mass of the apprentice population. Do you expect that, upon the naked announcement of your will, there will in a moment spring into existence a whole harvest of legislative measures, which are permanently to fix and determine, in every colony, the social condition of a whole people? But, perhaps, you will say, this legislation ought not to have been postponed, and the islands must suffer for their fault. Not so, Sir; the Government are responsible for it. Lord Glenelg, I apprehend, wrote thus to Sir J. C. Smyth, on December 29th, 1837.

> "It is perfectly true that, to the utmost extent, it is, and has been the endeavour of her Majesty's Government to avoid every measure which will predetermine the nature of the relations which are to subsist between employers and servants in the West Indies after August 1, 1840. *They have postponed that inquiry until the time shall arrive for viewing the question under the many different aspects* in which it must be regarded *when all the necessary information shall have been collected.*"

Nor was this from the Government alone. The Committee of 1836 reported in exactly the same sense; and the right hon. Gentleman (Mr. Labouchere,) who sat as Chairman of that Committee, knows that I am correct in saying, this recommendation was peculiarly desired and pressed by those who are termed the friends of the negroes. And they were right. The obvious reason being, that in the prospect of so great a change, it is well to make your preparations with the advantage of the utmost possible degree of knowledge which can be gathered from the experience of the apprenticeship.

What, then, are you prepared to do? Will you throw all these communities into a state of anarchy? Will you call forth the aged among the apprentices upon the world, and leave them to the mere mercy of those planters who are so much vituperated? They have no claim to relief, no means of subsistence. The Abolition Act was passed with the general, and I will say, the *bonâ fide* concurrence of the West Indian proprietary body; and yet it took two years to arrange, very imperfectly, the laws necessary for regulating a transition state of only six years' duration; and can it be now expected that all the measures which should attend emancipation can be adjusted in an instant; not, be it observed, with the concurrence of the West Indian body at home, but in the midst of their general and indignant protestations?

And further, I am sure that the House will feel the necessity of observing some analogy and proportion in its method of dealing with different questions, and with the several classes of her Majesty's subjects. Compare the child of nine years old—and some say, under—entering your factories to work eight hours a-day—and some say, more—for a livelihood, with the child of nine years old in British Guiana, supported without labour by the proprietors of the soil. What shall we say of the Irish peasant with his sixpence a-day; of the hand-loom weaver with his four shillings a-week?—what shall those of us who have such poor constituents say to them, when next we go among them, and see their wasted frames stooping to their toil for twelve or fourteen hours in the day to procure a bare subsistence, when we tell them we have no aid to afford them, but that we have been busy in rescuing from his seven-and-a-half daily hours the negro of British Guiana, who can employ his extra time at the rate of three shillings and sixpence, or four shillings a-day?

But more. Are you ignorant of the slave trade that is now in its fullest vigour between Africa and the West? I am credibly informed that 50,000 human beings were brought last year to a single port of South America. Have you considered how many cargoes of them are now upon their deadly passage? Have you inquired why and how that trade is carried on? I do not mean alone that in your public negotiations you tamper with it from year to year, and rest in the feeblest and most ineffectual measures, instead of declaring that trade to be a piracy, or of letting the world know, at all events, who are the nations and the governments that prevent its being so declared: not this alone, but I ask, are not the manufacturers of this country they who supply the means of supporting this monstrous traffic? The British manufacturer sends his goods in British ships to the Brazils, and receives for them cotton, the produce of slave labour. But a portion of those goods are made for an ulterior purpose; they are adapted to the African market; they are reshipped from the Brazils to the coast of Africa, and there exchanged for the human ware that passes from Africa to Brazil.

And have you, who are so exasperated with the West-Indian apprenticeship, that you will not wait two years for its natural expiration, have you inquired what responsibility lies upon every one of you, at the moment when I speak, with reference to the cultivation of cotton in America? In that country there are near three millions of slaves. You hear not from that land of the abolition—not even of the mitigation—of slavery. It is a domestic institution, and is to pass without limit, we are told, from age to age; and we, much more than they, are responsible for this enormous growth of what purports to be an eternal slavery. It is the demand which creates the supply; it has been the demand for cotton to support and extend your manufactures, under which slaves have been multiplied in America, and which has made the breeding trade in the northern slave-states, and the carrying trade towards the southern slave-states, and the vast increase of the entire servile population. You consumed forty-five millions of pounds of cotton in 1837, which proceeded from free labour; and, proceeding from slave labour, three hundred and eighteen millions of pounds! And this, while the vast regions of India afford the means of obtaining, at a cheaper rate, and by a slight original outlay to facilitate transport, all that you can require. If, Sir, the complaints against the general body of the West Indians had been substantiated, I should have deemed it an unworthy artifice to attempt diverting the attention of the House from the question immediately at issue, by merely proving that other delinquencies existed in other quarters; but feeling as I do, that those charges have been overthrown in debate, I think myself entitled and bound to show how capricious are hon. Gentlemen in the distribution of their sympathies among those different objects which call for their application.

And now, Sir, I have completed my long and wearisome detail, and I commit this weighty question, with the utmost confidence, to the justice of a British Parliament. I ask for justice alone, and to that demand the legislature of England cannot be deaf. I have no fear of the effect of any of the arguments which have been used in this place; but I am aware that means of a different character have been put into requisition. All the machinery of private solicitation and intrigue has been at work, and a pressure almost intolerable has been exerted, it is probable, upon nearly every one of those who hear me. Yet I am fearless of the result. The threatened measure cannot pass here or elsewhere. You have been urged by demands, addressed to you not as members of the British Parliament, not as rational beings, but as if you were mere machines, intended simply to indicate the views of parties outside these walls. I have requested no vote, nor would I stoop to such a course; but when any Gentleman has named the subject to me, I have said simply, hear the case. You are yet, in some sense, the mind and the deliberate wisdom of the nation, and you will act in the spirit of that high capacity, not in subservience to blind impulses from without, originating no doubt in benevolent motives, but founded upon information most partial, inadequate, and erroneous. If I have failed in proving that which I undertook, it has been my weakness and my shame, but it has been the misfortune of one of the strongest cases ever submitted to Parliament. I read but yesterday an article in a morning journal on this subject, with sentiments which I will not characterise, lest I should add one more to the expressions of irritation which, contrary to my will and intention, may have escaped me while I have addressed the House. The writer did not reason of justice or of humanity; but he recited certain resolutions upon this subject, and went on to say, "These resolutions are intelligible enough; hon. Members are aware of the weight of the body from which they proceed, and require no hint from us as to the course which they ought to pursue." Sir, I stand in the face of Parliament; I have laid before you the facts of this case, myself bewildered by their multitude. I have laid before you considerations of policy and of statesmanlike foresight, considerations of equity and plighted faith. I will not intimate a suspicion, nor presume to entertain a doubt, as to the principle upon which Members of this House will to-night regulate their conduct; I retort the language of that scribe in a sense most opposite to his. Hon. Gentlemen can require from me no hint as to the course which they ought to pursue.

Sir *George Strickland* said: Mr. Speaker, I think that I shall best discharge my duty by not offering one word in reply.

The House divided on the original question:—Ayes 215; Noes 269: Majority 54.

List of the AYES.

Aglionby, H. A.
Alford, Viscount
Alsager, Captain
Alston, R.
Archbold, R.
Attwood, M.
Bagot, hon. W.
Bailey, J.
Bainbridge, E. T.
Baines, E.
Baker, E.
Barnard, E. G.
Beamish, F. B.
Berkeley, hon. H.
Berkeley, hon. C.
Bewes, T.
Blackstone, W. S.
Blake, M. J.
Blunt, Sir C.
Bodkin, J. J.
Boldero, H. G.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Broadwood, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bruges, W. H. L.
Bryan, G.
Buller, Sir J. Y.
Bulwer, E. L.
Busfield, W.
Butler, hon. Colonel
Byng, G.
Cantalupe, Viscount
Cayley, E. S.
Chalmers, P.
Chandos, Marquess of
Chester, H.
Chetwynd, Major
Chisholm, A. W.
Clive, E. B.
Collier, J.
Collins, W.
Colquhoun, Sir J.
Conyngham, Lord A.
Copeland, Alderman
Craig, W. G.
Cripps, J.
Dashwood, G. H.
Denison, W. J.
Dennistoun, J.
D'Eyncourt, rt. hn. C.
De Horsey, S. H.
D'Israeli, B.
Divett, E.
Duff, J.
Duke, Sir James
Duncombe, T.
Dundas, C. W. D.
Dundas, hon. J. C.
Dungannon, Viscount
Easthope, J.
Eaton, R. J.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Etwall, R.
Evans, G.
Evans, W.
Farnham, E. B.
Feilden, W.
Fielden, J.
Fector, J. M.
Ferguson, Sir R.
Finch, F.
Fitzroy, Lord C.
Fitzroy, hon. H.
Fleetwood, P. H.
Foley, E. T.
Fort, J.
Gibson, T.
Gillon, W. D.
Glynne, Sir S. R.
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Grattan, H.
Greenaway, C.
Grimsditch, T.
Grote, G.
Guest, J. J.
Hall, B.
Halse, J.
Handley, H.
Harland, W. C.
Harvey, D. W.
Hawes, B.
Heathcoat, J.
Hill, Lord A. M. C.
Hindley, C.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Humphery John
Hurst, R. H.
James, W.
Jervis, S.
Johnson, General
Jones, J.
Jones, W.
Kinnaird, hon. A. F.
Langdale, hon. C.
Langton, W. G.
Leader, J. T.
Lennox, Lord A.
Lennox, Lord G.
Litton, E.
Lowther, J. H.
Lushington, Dr.
Lushington, C.
Mackinnon, W. A.
Maher, J.
Marsland, H.
Martin, J.
Master, T. W. C.
Maunsell, T. P.
Meynell, Captain
Miller, W. H.
Molesworth, Sir W.
Moneypenny, T. G.
Morris, D.
Muskett, G. A.
Nagle, Sir R.
Neeld, J.
Neeld, J.
Noel, W. M.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Connell, M.
Owen, Sir J.
Paget, F.
Parker, R. T.
Parker, T. A. W.
Pattison, J.
Pechell, Captain
Peel, J.
Philips, Sir R.
Phillpotts, J.
Pigot, R.
Polhill, F.
Poulter, J. S.
Powell, Colonel
Powerscourt, Viscount
Protheroe, E.
Pryse, P.
Redington, T. N.
Rice, E. R.
Richards, R.
Rippon, C.
Roche, E. B.
Round, J.
Rundle, J.
Russell, Lord
Salwey, Colonel
Sanderson, R.
Sanford, E. A.
Seale, Colonel
Sibthorp, Colonel
Sinclair, Sir G.
Smith, hon. R.
Smyth, Sir G. H.
Somerville, Sir W. M.
Stanley, M.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Stuart, H.
Strangways, hon. J.
Style, Sir C.
Thompson, Alderman
Thornley, T.
Tollemache, F. J.
Townley, R. G.
Trench, Sir F.
Turner, E.
Turner, W.
Verner, Colonel
Vigors, N. A.
Villiers, C. P.
Vivian, J. H.
Wakley, T.
Walsh, Sir J.
Warburton, H.
Ward, H. G.
Welby, G. E.

Wemyss, J. E.
White, A.
Whitmore, T. C.
Wilkins, W.
Williams, W.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Wyse, T.
Yorke, hon. E. T.

TELLERS.

Strickland, Sir G.
Pease, J.

List of the Noes.

Acheson, Viscount
Acland, Sir T. D.
Acland, T. D.
Adam, Admiral
Adare, Viscount
Ainsworth, P.
Anson, hon. Colonel
Arbuthnot, hon. H.
Ashley, Lord
Bagge, W.
Baillie, Colonel
Ball, N.
Bannerman, A.
Baring, F. T.
Baring, hon. F.
Baring, H. B.
Baring, hon. W. B.
Barron, H. W.
Barry, G. S.
Bell, M.
Bellew, R. M.
Bentinck, Lord G.
Bentinck, Lord W.
Blackburne, I.
Blackett, C.
Blair, J.
Blake, W. J.
Bolling, W.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Buller, E.
Burroughes, H. N.
Byng, right hon. G. S.
Calcraft, J. H.
Callaghan, D.
Campbell, W. F.
Canning, rt. hn. Sir S.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chapman, A.
Chute, W. L. W.
Clay, W.
Clayton, Sir W. R.
Clements, Viscount
Clive, hon. R. H.
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Coote, Sir C. H.
Corry, hon. H.
Courtenay, P.
Crawford, W.
Currie, R.
Curry, W.
Dalmeny, Lord
Darby, G.
Darlington, Earl of
Dick, Q.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Dundas, F.
Dundas, hon. T.
East, J. B.
Ebrington, Viscount
Egerton, W. T.
Egerton, Lord F.
Elliot, hon. John E.
Ellice, Captain A.
Ellice, right hon. E.
Ellice, E.
Estcourt, T. G. B.
Estcourt, T. H. S.
Euston, Earl of
Fazakerley, J. N.
Fellowes, E.
Ferguson, Sir R. A.
Ferguson, R.
Fergusson, rt. hon. C.
Filmer, Sir E.
Fitzalan, Lord
Fitzgibbon, hon. Col.
Fitzsimon, N.
Fleming, J.
Follett, Sir W.
Forester, hon. G.
Fremantle, Sir T.
French, F.
Gladstone, W. E.
Goddard, A.
Gordon, R.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grattan, J.
Greene, T.
Grey, Sir C. E.
Grey, Sir G.
Grimston, Viscount
Halford, H.
Harcourt, G. G.
Harcourt, G. S.
Hastie, A.
Hawkins, J. H.
Hayter, W. G.
Heneage, E.
Henniker, Lord
Herbert, hon. S.
Herries, rt. hon. J. C.
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, W.
Hope, G. W.
Hope, H. T.
Houstoun, G.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hume, J.
Hurt, F.
Hutton, R.
Ingestrie, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jenkins, R.
Jermyn, Earl of
Johnstone, H.
Jones, T.
Kemble, H.
Kirk, P.
Knatchbull, hn. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Lambton, H.
Lascelles, hon. W. S.
Lefevre, C. S.
Lemon, Sir C.
Leveson, Lord
Liddell, hon. H. T.
Loch, J.
Lockhart, A. M.
Logan, H.
Lygon, hon. General
Lynch, A. H.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
Macleod, R.
Macnamara, Major
Mactaggart, J.
Mahony, P.
Marshall, W.
Marton, G.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. John
Milnes, R. M.
Mordaunt, Sir J.
Morpeth, Viscount
Murray, rt. hon. J. A.
Nicholl, J.
Norreys, Lord
Northland, Viscount
O'Brien, C.
O'Callaghan, hon. C.
O'Ferrall, R. M.
O'Neil, hon. J. B. R.
Ord, W.
Ossulston, Lord
Packe, C. W.
Paget, Lord A.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmer, G.
Palmerston, Viscount
Parker, J.
Parker, M.
Parnell, rt. hon. Sir H.
Patten, G. W.
Peel, rt. hon. Sir R.
Pemberton, T.
Pendarves, E. W. W.
Phillips, M.
Philips, G. R.
Pinney, W.
Plumptre, J. P.
Ponsonby, hon. J.
Power, J.
Power, J.
Praed, W. M.
Price, Sir R.
Pusey, P.
Ramsbottom, J.
Reid, Sir J. R.
Rice, right hon. T. S.
Rich, H.
Rickford, W.
Roche, D.
Rolfe, Sir R. M.
Rose, rt. hon. Sir G.
Rumbold, C. E.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Russell, Lord C.
Sandon, Viscount
Scarlett, hon. J. Y.
Scarlett, hon. R.
Scrope, G. P.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Shelburne, Earl of
Sheppard, T.
Shirley, E. J.
Smith, J. A.
Smith, A.
Smith, R. V.
Somerset, Lord G.
Speirs, A.
Spencer, hon. F.
Spry, Sir T.
Standish, C.
Stanley, Lord
Stanley, W. O.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Strutt, E.
Sturt, H. C.
Sugden, rt. hon. Sir E.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. H.
Tancred, H. W.
Teignmouth, Lord
Thomson, rt. hon. C. P.

Trevor, hon. G. R.
Troubridge, Sir E. T.
Vere, Sir C. B.
Verney, Sir H.
Villiers, Viscount
Vivian, Major C.
Vivian, J. E.
Vivian, rt. hn. Sir R.H.
Walker, R.
Wall, C. B.
Westenra, hon. H. R.
White, S.
Wilbraham, G.
Williams, R.
Williams, W. A.
Wodehouse, E.
Wood, C.
Wood, T.
Woulfe, Sergeant
Wrightson, W. B.
Wynn, rt. hon. C. W.
Yates, J. A.
Young, J.

TELLERS.

Stanley, E. J.
Steuart, R.

Bill read a second time.

HOUSE OF LORDS,

Monday, April 2, 1838.

Minutes.] Bills. Read a third time:—Mutiny; and Marine Mutiny.

Petitions presented. By the Earl of Bandon, from a place in the Diocese of Ross, against any system of National Education which does not permit the general use of the Holy Scriptures; and from Ahenagh (Cork), for the settlement of the Tithe system.—By Earl Grey, from Stockton-on-Tees, Newcastle, and a number of other places, by the Bishop of Chester, from several Congregations in Chester, and other places within his Diocese, by the Marquess of Sligo, from Hull, and other places in Yorkshire, from Suddleton, and other places in Lancashire, from nearly twenty Dissenting (including four Roman Catholic) Congregations in Manchester, and from Westport, in the county of Mayo, by the Earl of Albemarle, from a Congregation in Hereford, and a parish in Suffolk, by the Bishop of Exeter, from two Congregations in the city of London, by the bishop of Ripon, from several Congregations in Ripon and its vicinity, for the abolition of Negro Apprenticeship.—By the Earl of Albemarle, from Tavistock, and by Lord Foley, from Chichester, for a reduction of the rate of Postage.—By the Bishop of Ely, from Tynemouth, against Church Pluralities.—By the Earl of Stanhope, from Bradford, and other places in Yorkshire, for an alteration of the New Poor-law.

Abolition of Slavery. Explanation.] The Marquess of *Sligo* rose to state, that he had received a letter from a noble and learned Lord, (Lord Brougham) who took a very prominent part in the discussion of the Abolition of Slavery, expressing his great annoyance at the falsehoods which had appeared respecting him in the morning newspapers, and more particularly in the *Courier*, and requesting him (Lord Sligo) to take an opportunity of contradicting them in his place in that House. Not being intimately acquainted with the question, he thought he could not do better than read an extract from the noble Lord's letter. The noble and learned Lord said:—

"I never took any part at all in the plan, except to agree to it, as all the rest of the Cabinet did, among whom there never was the least difference, that I ever heard of, much less any division. We thought that some such state of transition was necessary, as I have constantly said, and said every time the subject has been debated; and when I found we had been deceived, as we also were about the necessity of a compensation, I did not hesitate an hour to take the opposite course. I rely, therefore, upon your losing not an hour in making this statement in your place in the House of Lords to set right the matter so much mis-stated."

On receipt of this letter, he wrote to the noble Lord (the Secretary at War) stating his intention to comply with the request it contained, and from that noble Lord he received a reply, which he deemed it his duty also to read to their Lordships. It was as follows:—

"My dear Lord,—I lose no time in answering your letter of to-day, which I have just received.

"Not having seen the article in the *Courier* to which you allude, I have no remarks to make upon it. With respect to what I myself said in the House of Commons, I do not perceive that it is in the slightest degree contradicted by the extract you have sent me from Lord Brougham's letter, but, on the contrary, it is distinctly confirmed by it.

"I said nothing of any division in the Cabinet, of which, not having been a member of it, I probably should not have been aware, and which, if I had known it, I should not have thought myself at liberty to mention. The statement I made was simply this—That several members of the Cabinet were in the first instance in favour of giving entire freedom to the slave at once; that a plan for doing so was submitted by the Secretary of State to the West Indian body, but, being strongly objected to by them, the Government determined that it would be unsafe to proceed in defiance of their opposition; that I combated their decision, but that I found all my efforts to obtain its reconsideration in vain, in a great measure owing to the fact that the opinion of Lord Brougham was adverse to me, and that his opinion naturally carried with it an authority which outweighed any arguments that I could advance.

"Such, in substance, was the statement which I made in order to enforce my argument that Lord Brougham, in common with the leading advocates of the abolition of the system of apprenticeship, were themselves parties to its establishment.

"I am, my dear Lord, yours faithfully,
"Howick."

"War Office, April 2."

Having read these extracts, he did not feel called upon to occupy their Lordships' attention any longer on the subject.

The Earl of *Ripon* said, that having been in the Cabinet at the time, he did not wish to make any observations directly bearing on the point in question. This much, however, he would say, that what had been represented—most inaccurately no doubt, and quite contrary to what had fallen from his noble Friend in the other House—was certainly by no means consistent with the facts as now explained. His noble Friend not having been a member of the Cabinet at the time, could not be acquainted with the circumstances, and if he had been, he would have felt bound not to reveal them.

Earl *Grey* was understood to say, that he felt the inconvenience of introducing discussions of a personal nature in the absence of the persons to whom they related. He was aware that his noble and learned Friend, who was not then present, had been more closely pressed upon the subject of the abolition of slavery than any one else, but he knew of no differences in the Cabinet; he was not at all aware of any division on the subject. For himself, he confessed that, anxious as he had been for the total abolition of slavery, and finding that the time had arrived, when it must be abolished, still he did look with great apprehension and anxiety to the consequences of that measure, and therefore he had been anxious also that it should be accompanied by some intermediate measure to prepare the negroes for that state of freedom, which he and his colleagues were agreed in thinking they ought to possess, and he had consequently done every thing in his power to promote the measure as it ultimately passed. A noble Earl opposite had said that all the inconveniences and difficulties at present existing in connexion with this subject were owing to the defective manner in which the Emancipation Bill itself, had been concocted. He could only say, that every care had been taken in its construction, and he was not aware of the errors and imperfections which were spoken of. He felt, indeed, that there were very great causes of complaint as to the conduct of the Jamaica Assembly, and in performing a Ministerial duty as a Peer of Parliament—that was in presenting petitions intrusted to him for immediate abolition—he felt bound to say, that although all the measures had not been taken for the benefit of the slaves which the Imperial Parliament had a right to expect, yet he was of opinion that it was not just or expedient to proceed at that moment to the total abolition of the present system. He would not then detain their Lordships by stating the reasons which had been fully expressed there and elsewhere in favour of that course; he would only say, that he agreed in those reasons, and that especially he concurred in the view taken by the noble Duke opposite (Wellington) on that subject. He yielded to no man in his anxiety to put an end to the degrading system of human slavery; and he derived great comfort from reflecting that during the first Administration with which he had been connected, a total end had been put to the African slave trade—an object which, in the plenitude of his power, Mr. Pitt had never been able to effect; and that, in the last administration with which he had been connected, slavery itself had been abolished. The intermediate state of apprenticeship was intended to fit the slaves for freedom, and whilst he regretted that no step had been taken by the Colonial Assembly to forward the views of Parliament he thought it much more to the advantage of the negroes to take measures to ameliorate their present condition, and to enforce those steps which were necessary to prepare them for a state of full freedom, than to proceed at once to total abolition, which might be attended with fearful consequences.

Subject dropped.

THE ACHILL MISSIONARY HERALD.] The Earl of *Wicklow* rose to call the attention of the House, pursuant to notice, to the case between the Rev. Mr. Nangle and the Post-office authorities, relative to the non-transmission of the *Achill Missionary Herald*. The complainant was, he observed, known individually as well as by name to many of their Lordships, he having been last year examined as a witness before the Irish Education Committee; and he felt assured, that no difference of opinion would exist in their Lordships' minds with regard to the zeal, honesty, and good intentions of the rev. Gentleman, however, they might disagree as to his prudence. Mr. Nangle had found the people in a remote district at the West of Ireland in a state of lamentable ignorance, and had done his utmost to promote amongst them the dissemination of Christian knowledge, and the progress of civilization. In order to forward this work, he became the editor of a public newspaper, which advocated his religious opinions, while, at the same time, it contained all the general miscellaneous matter of an ordinary newspaper. For eight months, this publication was allowed, without dispute, to pass through the Post-office without charge. No one dreamed of its being looked on in any other light than that of a regular newspaper, until at the expiration of that period, the rev. Gentleman received a letter from Mr. Godby, the Secretary to the Irish Post-office, informing him, that according to the 32nd section of the 1st of Victoria, c. 34, it could not be legally forwarded free of charge through the Post-office; and that it would be thenceforth charged the full rate of postage. Mr. Nangle had no means of knowing whether it was Mr. Godby himself, who put this construction on the Act of Parliament, or whether he had so interpreted it by the instructions of the noble Lord opposite (Lord Lichfield). Mr. Nangle communicated upon the subject with that noble Lord, and represented to him, that his newspaper had been clearly recognized by the Stamp-office; that he had purchased a quantity of stamped paper upon the faith of that recognition; and that this sudden and arbitrary order affected him, therefore, most injuriously; that he had been unable to discover anything in the Act of Parliament, to exclude his publication from the privilege of ordinary newspapers; that he was placed in most embarrassing circumstances between the Stamp-office on the one hand, the solicitor of which told him, that he would subject himself to heavy penalties if he published otherwise than on stamped paper, and the Post-office on the other, which disputed its claim to the character of a newspaper, and the privilege annexed to such stamped publications; and, finally, he begged of the noble Lord at least to allow the privilege of free transmission to continue until a decision should be come to upon the memorial which he had sent in to the Lords of the Treasury. The answer of the noble Lord was, that he could not comply with this request. He hoped, therefore, in the first place, that the noble Earl would allow copies of the correspondence which had taken place between the Post-office authorities and Mr. Nangle to be laid before their Lordships; and he trusted, also, that he should hear from what quarter the objections to Mr. Nangle's publication proceeded. He could not help suspecting, that they came from persons who had long opposed that gentleman in his ministerial duties, and he should not be surprised at finding that they originated with an individual illegally calling himself Archbishop of Tuam, who was a great patron of her Majesty's Government. With respect to the conduct of the Post-office towards Mr. Nangle, it was, to say the least of it, extremely harsh. The Act of Parliament under which they had acted, was never meant to establish a censorship over the press, which would be set up, if the Post-office and the Treasury, under the Act 1 Victoria, c. 34, s. 32, had the power to decide on the character of any publication. Under that act, whenever a question arose as to the fact of a publication being a newspaper or not, the Postmaster-General, in concurrence with the Lords of the Treasury, was to decide, and their decision was to be final. Here, then, was power given to the Lords of the Treasury, combining with the Postmaster-General, to suppress any publication; for he need not tell their Lordships, that unless a newspaper had the privilege of a free transmission through the post, it could not maintain itself. He hoped, when this case came to the knowledge of the press, that they would take up the matter, and put a stop to such arbitrary proceedings. The noble Earl concluded by moving for copies of the correspondence between Mr. Nangle and the Post-office.

The Earl of *Lichfield* said, that before he entered into an explanation of the circumstances of this case, he would say one word with respect to the motives by which the noble Earl had been pleased to suspect him to have been actuated in his correspondence with Mr. Nangle, and he should dismiss the imputation simply with the bare assertion that he was perfectly incapable of being influenced by such considerations; and he must, at the same time, say that he never listened to similar insinuations without being convinced that they could only be entertained in the minds of those who, under similar circumstances, would act in the same way themselves. With regard to the motion of the noble Earl, as the matter was now set at rest, and as it had terminated in accordance with the noble Earl's views, perhaps the noble Earl would not press his motion, as, although there was no objection to the production of the papers, it would embarrass the department in which they would have to be prepared. With respect to the *Achill Herald*, the facts of the case were these :—That paper early in March came for the first time into the London Post-office, and the moment it passed through the Inland-office, the superintendent of that department thought it his duty to charge postage upon it. Of course the Post-office received complaints of this, but a question having been raised as to the character of the paper, he had no power, as Postmaster-General under the 1st of Victoria, cap: 34, sec. 32, to direct that it should pass free of postage until the Lords of the Treasury had pronounced their opinion. He would observe that there were great doubts about the character of the *Achill Herald*. It contained no news, and no political remarks, and was in fact entirely of a polemical character. However, he had submitted it to the Treasury, and on Saturday the Board gave it as their opinion that it should be considered as a newspaper, and be allowed to pass postage free.

The Earl of *Wicklow* remarked, that as the noble Earl had said there was not the slightest objection to the production of these papers, and as they were very short, and their production would lead to very little expense, he should wish to see them laid on the table. He did not wish to see a bad precedent established. The noble Earl had the power of suspending the enforcement of the order charging the *Achill Herald* with postage, [" *No, no*."] Then, if the noble Earl had not that power, he had been guilty of a dereliction of duty in allowing the *Achill Herald* to be sent through the post at all.

The Earl of *Lichfield* stated, that he had rested the defence of the Post-office on this ground, that till it passed through the London office it was not known that such a paper was in existence, and he had written to Mr. Godby to know under what authority it had ever been transmitted through the post free of postage. He could not think that Mr. Nangle had been misled by the Office of Stamps and Taxes, as he held in his hand a letter containing an answer, which was in accordance with the kind of answer generally sent to an application for information whether printing on stamped paper would insure what was printed passing postage free. This letter stated that the party would save himself much disappointment and vexation if he first asked himself whether his projected publication possessed the character of a newspaper, for that if it did not, it would be charged with postage, and he had no doubt that an answer to that effect was given to Mr. Nangle. He (the Earl of Lichfield) had issued the notice which the noble Earl opposite had read, advising that the course therein pointed out would be much better to be pursued in future, and that it would prevent the recurrence of these difficulties.

The Duke of *Wellington* said, it appeared that Mr. Nangle lived in some part of Connaught, in the west of Ireland, and the Postmaster-General had quoted a statement he had received within the last few days from the Stamp-office in London. But that statement could not refer to the case, for the noble Earl behind him (the Earl of Wicklow) had stated, that this gentleman had had communication with the Stamp-office in Dublin, and had been informed by the authorities there that there was not a doubt that his publication was a newspaper, and therefore liable to a stamp. There could not be a doubt upon the facts that appeared at present that this gentleman had been very ill-used, for being stamped, the paper ought to have been free of postage, and it was hard treatment that his paper should be suddenly stopped on the authority of another office in London. He thought it would be only fair, that after this injustice, arising from the unfortunate accident of one of the offices, some compensation should be afforded to this gentleman.

The Marquess of *Sligo* thought, that some doubt still existed whether or not this publication was a newspaper or a controversial publication; at all events, the island was his property, and he could state that there could not be more than three readers, as the population were poor occupants of cabins.

The Earl of *Haddington* bore testimony to the excellent and disinterested character of Mr. Nangle, who was a clergyman of the Church of England, and a missionary to this island of Achill. The object of the work in question was not only to give the people inhabiting that district religious instruction, but also to better their general condition. He did not doubt but that the noble Earl opposite (the Earl of Lichfield) had used his best discretion in the matter, but at the same time he thought that, considering the paper had circulated a considerable time free from postage, and as the noble Earl had never, as it seemed, himself entertained any great doubt that the publication was a newspaper, it would have been much better to have allowed it, without interference, to circulate free for a week or two longer until the noble Earl had obtained the final judgment of the Treasury. He fully concurred with the noble Duke near him, that this party was entitled to some compensation.

Lord *Holland* thought, the opinion as to the conduct of his noble Friend, the Postmaster-General, expressed by the noble Earl opposite (the Earl of Haddington) was very different from that which ought to proceed from a legislator; for the opinion of the noble Earl came shortly to this—that he recommended his noble Friend to break the law by acting in contravention of the Act of Parliament which had been alluded to. [The Earl of *Haddington:* I made no such recommendation.]

Motion agreed to.

HOUSE OF COMMONS,

Monday, April 2, 1838.

The Hippodrome—Notting Hill Footway.] Lord G. Lennox moved the third reading of the Notting Hill Footway Bill; and in doing so, begged to ask his hon. Friend, the Member for Marylebone, was it his intention to oppose the third reading, or did he still persevere in his opposition to the Bill?

Mr. *Hall* was understood to say, that he would take the sense of the House on the last question, that the Bill do pass, after the amendments had been brought up.

Bill read a third time.

Some clauses having been added by way of riders, on the question that the Bill do pass,

Mr. *Hall* said, one reason why he did not divide the House on the clauses was, that there might be but one division, and that when brought forward they might throw a greater degree of ridicule on the Bill than before.—The object of this Bill was at direct variance with the feelings of the inhabitants of that part of the metropolis. It was to shut out a public highway through certain ground called the Hippodrome, which was to be enclosed for the purpose of private speculation and pecuniary advantage. It appeared that a person named White, who was not the proprietor of the premises—who had not even the semblance of a long lease, but an unexpired term of seventeen or nineteen years—took this property and enclosed it, and finding that a public bridleway existed through the centre of the property, he went to the Magistrates of Middlesex, and consulted with them as to the expediency of shutting up the foot path, and he could not find two willing to close it. He then put every obstacle in the way of the public enjoying the right—he dug trenches, threw up barriers, and actually flooded the lower part of the fields, in order that the footpath might not be enjoyed; and finding that he was still frustrated he came here, not having asked a Member of the county of Middlesex to introduce his Bill to the House—but he introduced a Bill for the purpose of forcing the public from the path they had hitherto enjoyed. With regard to the establishment of the Hippodrome, he contended that it was at variance with the feelings of the inhabitants of that part of the metropolis. Petitions from all classes of society, from the highest to the very lowest, had been put in against the passing of the Bill, and only one in favour of the Bill. This was not entertained as a political question, but by all classes possessing whatever political or religious feelings. He was requested to ask whether these classes were brought forward by the hon. Member himself, as an individual Member of the House, or as having the sanction of Government; for he did not think when the Government had enough to do to bring forward other measures, they would waste their time in bringing forward a Bill of this kind.—He objected on the part of those whom he had the honour of representing that the Metropolitan Police force should be employed in matters of this description. Those whom he represented paid one-sixth towards the maintenance of the Metropolitan Police, and objected to the employment of this force. Upon all grounds he objected to the Bill. He considered it an encroachment upon a most important right the people now enjoyed. The projector having failed in his attempts so far as regarded local magistracy to shut up that right of way, it was unfair in that branch of the legislature to sanction any measure which would deprive the people of those just rights.—He thought that these clauses, and the conduct of the Government lately in matters of a similar description, instead of attending to the great constitutional questions which the people had set their hearts upon, had thrown a greater degree of ridicule upon that Bill than anything else. His hon. Friend had stated there was no opposition to the Bill in Committee, but he would remind his hon. Friend that he had stated his opposition to the preamble of the Bill, which was the great point in dispute, very strongly —He should most certainly oppose the Bill.

Mr. *Byng* had a greater objection to that Bill, than perhaps any private Bill that had ever been brought before the House. He had been always a friend to the recreations of the people, and hon. Gentlemen had stated that they supported the Bill because it would add to the recreations of the people. He maintained that recreation would never answer the purpose of the promoters of the Bill. They had gone to the most enormous expense, and recreation would never repay them. Nothing but vice and profligacy would make that great outlay worth their while. In the neighbourhood of this great metropolis, there was a population of upwards of 1,500,000, and 50,000 rose every morning not knowing how to gain their daily livelihood. They had been obliged to put down various fairs in the neighbourhood of London, at Hampstead and Edmonton, and therefore it was, he did hope, that the House would not sanction this Bill, and bring down upon this unfortunate neighbourhood, all those nuisances which had been put down elsewhere. He had presented a petition to the House against the Bill, signed by no less than 1,650 individuals, among whom were many clergymen, some of whom stated what was suffered by the inhabitants of the neighbourhood last summer and autumn; there were many boarding schools there, and the petitioners were afraid that licentiousness might take place. He would give his most decided opposition to the measure.

Mr. *Hayter* was unable to recognise in the present Bill any principle on which Parliament could be called upon to act. When the Bill was first introduced, its ostensible object was to enable the promoter to establish a race course, and thereby destroy the rights of the public for the benefit of a private individual. What was the course that was pursued by the present promoters of the Bill? Why, when his rights were disputed, he went before the magistrates, and there the rights that he alleged were decided against him. He then attempted by force to assert his rights. He brought no less than nine actions against as many individuals who attempted to deny the rights that he claimed. It was a maxim in the legislation of that House, that private interests must give way to the public demands, as in the case of canals and railroads, which were established for the public benefit; but the converse of that proposition he had never heard contended for by any person. The House might as well establish in Hyde Park weekly markets or monthly fairs. He could bear testimony that the road from Turnham-green to Bayswater—he could bear his sleepless testimony to the fact, that along the whole of that road was one scene of drunkenness and riot.

Mr. *Wakley* said, that having been on the Committee to which the Bill was referred, and where it was passed without a division, he thought it was unfair that twenty Gentlemen should be heard against the Bill, and not one in its favour. He had especially to complain of the conduct of the last speaker. That Gentleman, as a Member of that House, and a lawyer, ought to have known that the proper place where his testimony should have been produced was before that Committee. In that House he was a party interested, and his *ex parte* statements could not therefore be received. Counsel and witnesses had been heard against the Bill, but, after evidence on both sides was heard, the Committee came to a decision without any division. What was the real character of this proceeding? A gentleman, who had established a public institution, came before the House, and asked the House to give him the means of conducting it in a proper and orderly manner, and he wished so to conduct the institution that it should become of great public advantage. Then with reference to the footpath. The witnesses before the Committee stated, that the footpath was used as leading to a single farm, and to a place not much frequented, called Wormwood Scrubbs. No individual came before the Committee to state, that he would be subjected to the slightest pecuniary loss by its being stopped up. He had for five years been in the habit of going along that footpath, and during those five years he never saw twenty individuals on it. The footpath being closed, what were the public to get as an equivalent? What was the benefit which the public would derive, in return, for closing the footpath in question? First of all there would be 150 acres of open land within a mile and half of Oxford-street, on which the public might walk on Sundays without the payment of a single farthing. That of itself was a very great advantage, to that densely-populated neighbourhood. Then, again, on Easter Monday, on Easter Tuesday, Whit-Monday, and Tuesday, and on the first Monday in June, July, August, and September, the working-people of this metropolis would be entitled by this Bill to admission at the Hippodrome, there to follow what amusement they pleased, at cricket, quoits, foot-ball, or any other game they please, on the payment of two-pence. If the parties in the neighbourhood deemed it a nuisance, why did they not adopt some legal proceeding? He did hope the House would have some feeling for the working-people of the metropolis, and decide in favour of this Bill; because a greater boon could scarcely be conferred upon them.

Lord *Teignmouth* had been requested by a considerable body of his constituents to give his decided opposition to the Bill. He thought the clauses which had been brought forward were quite futile. He wished that his hon. Colleague (Mr. Hall) had pressed his opposition to the Bill on the third reading; he was persuaded the House would then have been saved much unnecessary discussion. The most frivolous pretexts had been brought forward to justify the Bill. It was said, that the Bill was only for the diversion of a footpath; and the hon. Member for Finsbury had stated on the evidence, or rather the no-evidence before the Committee, that the footpath was of no consequence. He had presented a petition from the minister, churchwardens, overseers, and vestry of Paddington, stating, that the footpath was of the highest importance to their health and pleasure. He did not object to places of public recreation. And he would support a proposition for setting apart, or purchasing, Primrose-hill, for purposes of public recreation, to be open, free, on Sundays, and on week days, for harmless games, such as cricket—and he wished more money had been expended on appropriating large tracts of land for these purposes in the neighbourhood of all large towns. But when he came to the consideration of a Bill for establishing a resort for hundreds and thousands, he begged to refer to the *Sporting Magazine*—a publication which would, doubtless, carry greater weight with the supporters of the Bill than aught that he could say, and which described the Hippodrome as a sort of metropolitan Ascot or Epsom. Now, he would appeal to the hon. Member for Finsbury, as a man of honour and a man of candour, whether it would be desirable to have a place of this description within such a short distance of the metropolis?

Mr. *Fox Maule* wished to set the House right with respect to a statement which had dropped from the hon. Member for Marylebone. His hon. Friend had asserted, that the influence of Government had been brought to bear on this question. Now, he did not hesitate to say, that not only was this not the fact, but that it would be a disgraceful thing for any Government to use their influence to forward the views of any private individual. What were the facts? They found this Bill before the House, after passing through a Committee, who had reported favourably of it. The Bill had reference to the public sports of the people, and as disturbances frequently occurred in such places, it was right that those who had charge of the public peace, should interfere to protect it, and it would probably have been made the ground of censure against them, if they had not. He begged the House, therefore, distinctly to understand that the part which he had taken with respect to this Bill was dictated solely by a sense of public duty.

Lord *George Lennox* hoped, that as he was the person who had introduced this Bill he might be allowed to say a few words. The hon. Member for Marylebone appeared to have fallen into the same mistake as other hon. Members, viz., that the object of this Bill was to sanction the Hippodrome Races. Now he could assure the hon. Member, that whether this Bill passed or not, these races would continue. On the same ground he would call on the noble Lord, the Member for Durham, to support this Bill. The noble Lord had stated, that this footpath had been the resort of scoundrels and vagabonds. Now, he would say, shut up this footpath, and the scoundrels would be shut out from it.

The House divided:—Ayes 162; Noes 123: Majority 39.

List of the Ayes.

Adam, Admiral
Archbold, Robert
Baring, H. B.
Barnard, E. George

Barron, H. Winston
Bentinck, Lord G.
Bentinck, Lord W.
Berkeley, hon. H.
Berkeley, hon. C.
Bewes, T.
Blackburne, I.
Blunt, Sir C.
Boldero, H. G.
Bridgeman, Hewitt
Broadwood, H.
Browne, R. Dillon
Buller, C.
Campbell, W. F.
Cantalupe, Viscount
Cavendish, hon. C.
Cayley, E. S.
Chandos, Marquess
Chaplin, Colonel
Chester, Henry
Clay, W.
Codrington, C. W.
Codrington, Admiral
Coote, Sir C. H.
Courtenay, P.
Currie, R.
Damer, hon. Dawson
Denistoun, J.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir Chas. E.
Douro, Marquess of
Duff, J.
Duncan, Viscount
Dundas, C. W. D.
Dundas, F.
Dundas, hon. T.
Dundas, hon. J. S.
Eaton, R. J.
Ebrington, Viscount
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, right hon. E.
Ellice, E.
Euston, Earl of
Evans, G.
Fector, J. M.
Ferguson, R.
Finch, F.
Fitzalan, Lord
Fleming, J.
Forester, hon. G.
French, Fitzstephen
Gillon, W. D.
Glynne, Sir S. R.
Gordon, Robert
Gore, O. W.
Goring, H. D.
Grimsditch, T.
Grosvenor, Lord R.
Grote, G.
Guest, J. J.
Harvey, D. W.
Hawkins, J. H.
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Holmes, hon. W. A'C.
Holmes, W.
Houldsworth, T.
Hume, J.
Irving, J.
James, W.
Langdale, hon. C.
Leader, J. T.
Leveson, Lord
Logan, H.
Lowther, J. H.
Lygon, hon. Gen.
Mackenzie, T.
Macnamara, Major
Mactaggart, J.
Mahony, P.
Master, T. W. C.
Maule, Hon. F.
Melgund, Viscount
Mildmay, P. St. J.
Muskett, G. A.
Neeld, J.
Norreys, Lord
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, M. J.
O'Connell, Morgan
O'Connell, M.
O'Ferrall, R. M.
Paget, Lord A.
Parker, T. A. W.
Pattison, J.
Peel, J.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, R.
Planta, right hon. J.
Polhill, F.
Ponsonby, hon. J.
Powell, Col.
Power, J.
Power, J.
Protheroe, Edward
Redington, Thomas N.
Richards, Richard
Roche, Edmund B.
Roche, William
Salwey, Colonel
Scarlett, hon. J. Y.
Seymour, Lord
Sharpe, Gen.
Shelburne, Earl of
Smith, R. V.
Somers, J. P.
Somerville, Sir W.
Speirs, A.
Spencer, hon. F.
Standish, C.
Stanley, E. J.
Stanley, Lord
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Strangways, hon. J.
Strickland, Sir George
Surrey, Earl of
Tancred, H. W.
Thompson, Ald.
Thornley, Thomas
Trench, Sir F.
Troubridge, Sir E. T.
Turner, W.
Vigors, N. A.
Villiers, C. P.
Villiers, Viscount
Vivian, Major C.
Vivian, rt. hon. Sir H.
Walker, R.
Wall, C. B.
Wallace, R.
Wemyss, J. E.
Wilbraham, G.
Winnington, T. E.
Wodehouse, E.
Wood, C.
Worsley, Lord
Young, J.

TELLERS.
Lennox, Lord G.
Wakley, T.

List of the NOES.

Acheson, Viscount
Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Arbuthnot, hon. H.
Ashley, Lord
Bagge, W.
Baring, hon. F.
Bateson, Sir R.
Bell, M.
Blackstone, W. S.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Briscoe, J. I.
Broadley, H.
Brodie, W. B.
Brotherton, Joseph
Brownrigg, S.
Buller, Sir J. Y.
Burrell, Sir C.
Byng, G.
Calcraft, J. H.
Canning, rt. hon. Sir S.
Cavendish, hon. G. H.
Chapman, A.
Chisholm, A. W.
Chute, W. L. W.
Clive, hon. R. H.
Cole, Viscount
Colquhoun, J. C.
Conolly, Edward
Corry, hon. H.
Darby, G.
Darlington, Earl of
Dashwood, G. H.
Dick, Q.
Divett, Edward
Duckworth, S.
Duncombe, T.
Duncombe, hon. A.
Dungannon, Viscount
Egerton, Sir P.
Ellis, J.
Estcourt, T. G. B.
Estcourt, T. H. S.
Evans, W.
Feilden, W.
Fielden, J.
Fellowes, E.
Filmer, Sir Edmund
Fitzgibbon, hon. Col.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gladstone, W. E.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Greene, T.
Grey, Sir G.
Halse, J.
Harcourt, G. S.
Hawes, B.
Hayes, Sir E.
Hayter, W. G.
Hindley, C.
Hope, G. W.
Hope, Hon. J.
Hope, H. T.
Hotham, Lord
Hurt, F.
Hutton, Robert
Inglis, Sir R. H.
Irton, S.
Johnstone, H.
Jones, W.
Kemble, H.
Kinnaird, hon. A. F.
Knatchbull, hon. Sir E.
Langton, W. G.
Lascelles, hon. W. S.
Lefevre, C. S.
Lefroy, right hon. T.
Lushington, C.
Maxwell, Henry
Milnes, R. M.
Mordaunt, Sir J.
Northland, Viscount
O'Brien, W. S.
Palmer, R.
Palmer, G.
Parker, R. T.
Pechell, Captain
Peel, rt. hon. Sir R.
Pemberton, T.
Plumptre, J. P.
Pollen, Sir J. W.
Pollock, Sir F.
Praed, W. M.
Pringle, A.
Rose, rt. hn. Sir G.
Round, J.
Sandon, Viscount
Sanford, E. A.

Sheppard, T.
Shirley, E. J.
Sinclair, Sir George
Smith, A.
Somerset, Lord G.
Stanley, E.
Stewart, J.
Style, Sir Charles
Teignmouth, Lord
Tennent, J. E.
Vere, Sir C. B.
Verney, Sir H.
Vivian, J. E.
Wilbraham, hon. B.
Williams, R.
Wood, Colonel T.
Wrightson, W. B.
Wynn, rt. hon. C. W.
Yorke, hon. E. T.

TELLERS.

Hall, B.
Wood, T.

Bill passed.

CONTROVERTED ELECTIONS.] On the motion that the Controverted Elections' Bill be re-committed,

Sir *R. Peel* said, that some time since, he expressed an opinion that it would be desirable, before they made any progress with this measure, that there should be a general discussion as to the specific questions which should govern their amendment of the law on this subject. An opinion had been expressed very strongly by some hon. Gentlemen, that no attempt to amend the present system, could be effectual for the purpose, and that the only hope of constituting an impartial tribunal, was to transfer it to some extraneous jurisdiction, to dispossess the House of Commons of all authority in respect to decisions in controverted elections, and to vest the power in some tribunal, having no necessary connexion with the House of Commons. He would avail himself, therefore, of the opportunity which the moving of the order of the day gave him, for the purpose of submitting his general views, not so much in respect to the details of the measure, as to the principles by which, in his opinion, the House should be governed in sanctioning any amendment of the law respecting the trial of controverted elections. As he was desirous of divesting his observations altogether of party colour, he begged leave, at the outset, to state, that the suggestions he should offer were merely his own individual suggestions. He spoke the opinion of no other Member; in point of fact, he had conferred with none. He therefore should suffer no disappointment in the event of his observations being deemed by the House unworthy of adoption. He offered them, merely as his own individual suggestions. He was most desirous of seeing the difficulties of the present system effectually remedied, and he was most desirous, also, that the discussion on this subject should not partake either of the asperity or bias which party discussions were necessarily subject to. As he stated before, the suggestions he meant to offer were entirely his own, and in order that he might not incur the risk of acting under the influence of party bias, he avoided communicating with any one. He presumed he might take for granted that no party in the House was desirous of upholding the present system, and that for the character of the House, as well as for the sake of securing impartiality in their decisions, it was most desirable that they should apply themselves deliberately to the consideration of a remedy. He thought he might assume, that this was the prevailing opinion of the House. In point of fact, the very reading of the present bill a second time, implied that the opinion of the House was in favour of some alteration of the present system. This, therefore, being conceded, the question was, what amendment should be proposed ? Should they transfer the jurisdiction from the House to some other extraneous tribunal, or should they, while retaining the jurisdiction to themselves, seek to apply a remedy to the admitted evils? He had expressed an opinion the other day, after the strong opinion declared by some Gentlemen, in which a considerable body of Members appeared to participate, that the time had arrived, when they ought to consider the expediency of a transfer of the jurisdiction; he had expressed a strong opinion that it was desirable that there should be some discussion on the subject. The observations he then made, appeared to meet with considerable concurrence, and he then expressed himself desirous of being understood as by no means pledging himself on the subject, that he intended to apply his mind to the question, and to give it an impartial consideration, but that he reserved the declaration of whatever opinion he might come to, for a future opportunity. He had given this important subject the consideration to which it was entitled, and he must say, that the result was, that he was strongly of opinion that it would not be desirable for the House to part with its jurisdiction. He had entered upon the consideration of this subject perfectly unprejudiced, with rather, if anything, from a sense of the defects of the present system, an inclination to part with the jurisdiction, but more mature consideration induced him to take a different view, and, with the permission of the House, he would proceed to state the grounds upon which he entertained a strong opinion that it would not be for the public advantage, or for the character, or interests, or privileges of that House, to divest themselves of jurisdiction over controverted elections. He entertained this opinion upon two grounds, first, there being a strong constitutional objection to the transfer; and secondly, on the ground of the extreme difficulty of constituting a new tribunal to which the jurisdiction should be transferred, or of determining the rules upon which it should proceed in its decisions. When he looked back to the early history of the circumstances under which the House asserted its claim to this jurisdiction he was bound to say, that he thought that claim was asserted under circumstances which made him most reluctant to part with it. Early in the period, when the great conflict arose between the House of Commons and the Crown with respect to the assertion of their privileges, the House claimed this as one of its most important rights. He was quite ready to admit, that this jurisdiction might be parted with without incurring precisely the same risk that accompanied the transfer at the period at which the transfer took place; the jurisdiction was not now so necessary for the maintenance of the independence of the House of Commons; but while he admitted, that the same risk would not accompany the transfer, he must say, that he had come to the conclusion, that it would be most unwise on the part of the House of Commons to part with it. The first instance in which the right of deciding upon controverted elections, became matter of serious controversy between that House and the Crown was in the reign of Elizabeth. "In that reign a question arose with respect to the return for the county of Norfolk. The fact was, that the Chancellor had issued a second writ for this county on the ground of some irregularity in the first return, and a different person had been elected. Some notice having been taken of this matter in the Commons, the Speaker received orders to signify to them her Majesty's displeasure that ' the House had been troubled with a thing impertinent for them to deal with, and only belonging to the charge and office of the Lord Chancellor, whom she had appointed to confer with the judges about the returns for the county of Norfolk, and to act therein according to justice and right.' The House, in spite of this peremptory inhibition, proceeded to nominate a Committee to examine into and report the circumstances of these returns, who reported the whole case, with their opinion, that those elected on the first writ should take their seats, declaring further, that they understood the Chancellor and some of the judges to be of the same opinion; but that ' they had not thought it proper to inquire of the Chancellor what he had done, because they thought it prejudicial to the privilege of the House to have the same determined by others than such as were members thereof. And though they thought very reverently of the said Lord Chancellor and judges, and knew them to be competent judges in their places, yet in this case they took them not for judges in Parliament in this House; and thereupon required that the Members, if it were so thought good, might take their oaths, and be allowed of by force of the first writ, as allowed by the censure of this House, and not as allowed of by the said Lord Chancellor and judges. Which was agreed unto by the whole House.' This judicial control over their elections was not lost. A Committee was appointed in the Session of 1589 to examine into sundry abuses of returns, among which is enumerated that some are returned for new places; and several instances of the House deciding on elections occur in subsequent Parliaments." This passage was from *Hallam's Constitutional History*, who went on to say that

> " The establishment of the jurisdiction in the hands of the House of Commons was the consequence of the attempt made by Elizabeth to claim the jurisdiction for the judges of the Court of Chancery. The claim, however, was not abandoned by the succeeding Sovereign, for in the first year of James the First the same attempt was made by the Crown, to set aside the precedent established by the House of Commons in the reign of Elizabeth. The attempt was made upon the accession of James the First. The question arose upon this case between Sir Francis Goodwin and Sir John Fortescue. Sir Francis Goodwin had been elected Knight of the Shire for the county of Buckingham, and was adjudged by the clerk of the Crown not to have been duly elected, because he was an outlaw. This led to a controversy between the Crown and the House of Commons. The House of Commons presented to the Crown the humble answer of the Commons House of Parliament to his Majesty's objections to Sir Francis Goodwin's case. Objection the first, That we assume to ourselves

power of examining of the elections and returns of knights and burgesses which belongeth to your Majesty's Chancery and not to us. Our humble petition is, 'That until the 7th of Henry 6th, all Parliament writs were returnable into Parliament, and consequently the returns were then examinable.' That in that year an Act was passed making the writs returnable into the Chancery; but, says the Commons, 'The power of Parliament to examine and determine of elections remaineth, for so the statute hath been always expounded ever since. The clerk of the Crown hath always used to attend all the Parliament time upon the Commons House with the writs and returns; and also the Commons, in the beginning of every Parliament, hath ever and used to appoint special Committees for examining controversies concerning elections, and returns of knights and burgesses.' This practice is warranted by reason and precedent. By reason, 'Because the Court in which the service is due ought to be the Court which has the examination of the rights of its Members, and it is warranted by precedent.' The House went on to enumerate various precedents in the reign of Elizabeth, in which the exclusive right to adjudicate upon controverted elections was reserved to the House."

The example had been followed in every popular assembly constituted in any state that had adopted the British constitution as its model. He believed, that without exception in all states in which a free Government prevailed, the popular branch of the constitution had claimed those privileges as peculiarly belonging to a popular assembly. They claimed the exclusive right of examining into the qualification and due return of its Members, and nothing but the strongest conviction that justice would not be done could make it expedient, in his opinion, to part with the power which the House of Commons possessed. Although, therefore, upon constitutional grounds he was of opinion that it was of the utmost importance that the House should not part with its exclusive privilege of adjudication upon the rights of its Members, at the same time he must say, that this must be subordinate to considerations of justice. Justice must be administered, and he did not hesitate to say, that, provided they could not have a guarantee for the administration of impartial justice from the present system, a strict adherence to it ought not to prevail. But he feared that the utmost difficulty would be found in constituting a new tribunal, supposing the House to be determined upon the expediency of making the experiment of a transfer. To what tribunal was the jurisdiction to be transferred? He apprehended that they would not be satisfied to transfer it to any inferior authority to that which adjudicated upon the civil rights and liberties of her Majesty's subjects. He should think it would be expected that the judges of the land or some others of equal authority should, in case they parted with the jurisdiction, be the parties who should exercise it. He had the strongest objection to mixing up the judges in matters of mere politics. The judges, in the execution of their duty, must, no doubt, decide upon political matters. Great questions of political libels, sedition, and treason were determined upon by them; but, then, the adjudication of controverted elections partook of party as distinguished from political considerations; and he must confess, considering the universal satisfaction that now prevailed with the administration of civil and criminal justice in this country, and the universal conviction that it was as important as the administration of justice itself, that there should be no suspicion of partiality, he thought that this universal feeling of confidence might be seriously weakened if they made the judges of the land, the persons to adjudicate upon party disputes. But then again, would they intrust this power to a single judge? Supposing they overruled the objection as to the danger of prejudicing the character of the judge, by devolving upon him a duty partaking of a political character, would they in all cases devolve upon a single judge the duty of determining both the law and the fact of controverted elections? If they did so, he thought that this would be a monstrous power to give to a single judge, to decide both the law and the fact in cases of controverted elections. If, on the other hand, they adhered more closely to the general principles of the law, would they have any security that a jury, however constituted, would be more free from political bias than the Members of the House. Or would they sanction in this case a departure from that great principle of our jurisprudence which required an absolute unanimity amongst the jury to convict? In his opinion, if they did not require unanimity in this case, they would be originating a precedent for a very serious encroachment upon the constitution of juries as established in this country. If they required unanimity on the part of the jury, he thought it would be very difficult to select a jury of twelve men who, in matters involving so many dubious points in law, and so many intricate matters of fact, should arrive at an unanimous verdict. There was another point also, which suggested itself to the House, with reference to any contemplated external judicature in controverted elections. Would they require of the judge who was to try these cases, the same strict adherence to law as in purely legal cases in the Courts of Queen's Bench and Common Pleas? If so, in his opinion, there would be many cases which Parliament would investigate and visit, which in the application of the strict letter of the law might escape. It appeared to him, therefore, that if a judge were appointed to try election petitions, either he must be guided by the moral principles and discretion of Parliamentary law, or he must depart from all the rules and principles which had hitherto guided election committees, to the strict legal doctrines which prevailed in the courts of law. Now, either of these alternatives appeared to him to be open to great objection; he thought it equally objectionable that the rules of the courts of law, should be rigidly adhered to in election cases, or that the judges should have to administer a species of law with which they were not familiar, and which was applied by Parliament rather on lax and equitable principles than by well-defined rule, and which differed materially from the strict statute or common law of the country. On this double ground, he thought the Crown would find so much difficulty in appointing a tribunal for this particular purpose, that nothing but an insurmountable case of necessity, amounting to demonstration, should induce the House to forego its present privilege of deciding upon the seats of its Members. At the same time, if it could be proved, that justice could not be done without seeking a new tribunal, that would be such an argument of necessity, as would, of course, overrule all his objections. It was, however, because he did not despair of finding a tribunal in this House better qualified, in his opinion, than any other to decide upon these points, and better calculated to give a verdict which should meet the impartial justice of the case, and give general satisfaction to all parties, that he should support the retention of this judicial authority by the House. He was far from abandoning the hope of being able to constitute within this House a better tribunal in these matters than could be constituted anywhere else, and of the perfect impartiality of which, as well as of their competency, there could be no doubt or suspicion. Whatever course they took,—whether they retained their jurisdiction in its present form, or consented to its entire transfer to an extraneous tribunal, or whether they retained it in a modified and altered form, he thought the suggestion of his noble Friend (Lord Stanley) was well worthy of consideration, and that a Committee ought to be appointed with a view to determine by what preparatory law they could put an end to the doubts and differences of opinion which prevailed upon several points of election law, and which led to adverse and conflicting decisions. At the same time, he must say, that the complaints against election committees, arose frequently from the mode of selection, and from having young and inexperienced men to adjudicate upon points of law which were full of doubts and difficulties, and on which great differences of opinion prevailed. He thought, therefore, that a declaratory law, clearing up existing doubts, would be an important preliminary to whatever form of tribunal they might hereafter decide upon adopting. Let the House take, for example, the question of distance, the mode of admeasurement of the seven miles. What could be easier than for the House to decide that? Let them look to the question of trusteeship of chapels, upon which the revising barristers were constantly coming to opposite conclusions. Was it to be wondered at, then, that election committees, having such questions to decide, should be confused by the opposite decisions, and should come to conclusions different from those arrived at by other Committees, and without the slightest ground of partiality? Why, he asked, should not Parliament interfere under such circumstances? Let them take the case of an overseer who had the power, by his own neglect, to disfranchise 100 persons. Surely nothing could be more unjust, than that any public officer should be allowed, through his own neglect, and without any fault of theirs, to disfranchise a large number of voters. So there were many other questions of a similar nature, and of the like importance, which he thought, on a careful review by a well-selected Committee, might be set at rest. He did not, however, overvalue in extent the importance of judicial decisions of this kind; for it would be almost impossible to anticipate and lay down the law, upon the points of difficulty or dispute which might possibly arise. For the House to step in to define what bribery was, for instance, would be almost impossible, so as to foresee and guard against every variety of circumstance under which it might present itself. Therefore, whilst he thought it desirable that the House should declare the law upon some disputed points which had already arisen and become ascertained, he did not expect, having done that, they would have gone very far towards removing all the evils and difficulties of the present system, though he thought they would have done much towards preventing unnecessary litigation and expense, which was, in his opinion, one of the main evils attendant upon every process of trial in this country. They would be doing much in clearing up and setting at rest disputed points, which as long as they remained doubtful induced speculative men to enter upon litigation and engage themselves and others in much unnecessary and fruitless expense. This would operate as a relief equally to Members and to their constituent bodies. He hoped, therefore, that the House, without entertaining the idea of establishing new tribunals in this matter, would appoint a committee upon the subject. This, he considered, would be an essential preliminary in any case, whether with the view to the establishment of a new tribunal or not. As far as the time which he had for the purpose would allow him, he had endeavoured to ascertain what were the practices of assemblies answering to the House of Commons in the different countries of the world where a constitutional form of government existed. The result of these inquiries was, that he found it uniformly, and without exception, to be the case, that these assemblies had adopted the principle acted upon by the British House of Commons, namely, that of deciding for themselves upon the qualifications and seats of their Members. Without tiring the House with a variety of details from all these quarters, he would select, as the two most important instances, the practices of France and of the United States. In France the ultimate decision upon every return was entirely in the chambers, so that they were there very much in the position in which this House was before 1770, when the Grenville Act was introduced. The French Chambers did not devolve upon any committee the business of deciding upon the seat of a Member, but reserved that final right to the whole constituent assembly. The right hon. Baronet read the following statement from a paper of the French practice:—

"A detailed account is kept in each Electoral College of all the proceedings that take place day by day during the progress of the election. It includes a statement of the fact that all the formalities required by the law have been observed—the claims of voters—the protests against alleged irregularities in the proceedings.

"These detailed accounts, or *proces verbaux*, are sent by the Prefect of the Department to the Minister of the Interior, and by him are transmitted to the Chamber of Deputies.

"Petitions by parties interested, complaining of irregularities at the election, may be addressed directly to the Chamber of Deputies.

"Each Member sends to the Chamber the proof of his qualification. That is, a certificate of his birth, and certificate of his payment of his amount of taxes required by law to constitute his pecuniary qualification.

"The verification of the rights of the deputies to their seats is the first duty of the Chamber.

"The day after the opening of the Session the Chamber is divided by lot into the nine bureaux. There are 459 deputies; each bureau therefore consists of 51 deputies.

"The *proces verbaux* of the elections, and every document relating to the elections, are divided among these bureaux, each of which meets in a separate apartment.

"Every bureau makes a report to the Chamber on the subject of the elections of which it has had charge, and recommends that they shall be declared valid, or annulled, as the case may be.

"The Chamber divides on each.

"The general principle observed in France is—

"1. That the whole Chamber of Deputies, and that authority alone, can pronounce definitively on the validity of an election.

"2. The final decision on every question connected with the validity of an election, the rights of the electors, the regulating of the proceedings, the qualification of the Member, is with the Chamber.

"3. Everything which precedes the final discussion and decision of the Chamber is merely a preliminary examination intended for the information and instruction of the Chamber. The decisions are presumed to constitute the rule by which future decisions in analogous cases are regulated."

Having read these particulars to the House, he must say that he apprehended that the practice of France could not form a rule for their proceedings on the present subject; for if any one would take the trouble to refer to the debates which took place in the House at the time of passing the Grenville Act, he would see that the general adjudication of the House upon contested elections was considered one of the most objectionable features of the old system. He would now beg the attention of the House to a few particulars of the same kind from the United States, which he had from a person of very good authority, in whom he placed the highest reliance:—

> "The Speaker is elected at the commencement of each Congress, by a majority of members, by ballot.
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> "Exercising important political powers, his political opinions are generally in accord with those of the majority. He appoints all the Standing and Select Committees, though by a rule of the House the House may do it if they please. This, however, is rarely done, except in relation to Select Committees under peculiar circumstances, or when it is desirable to the Speaker that it should be done.
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> "There is no other security as to fairness or impartiality, in the appointment of Committees by the Speaker than that which a high sense of duty and a just regard for his own character and that of the House may be supposed to inspire.
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> "In the construction of the important Committees of the House, where subjects involving political principles, or affecting the existing administration, political considerations must operate, at least so far as to give a majority of the Committee to the dominant party. The Committee of Privileges and Election is, however, freer from the objection of political bias than most others.
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> "Objections on this score have been sometimes made, especially under high party excitement, and can be urged against the report of the Committee when it comes into the House. Few decisions of the Committee are reversed, and in a service of more than fourteen years I have not, I think, known more than one or two reversals. The system has generally worked well, and no effort has ever been made within my knowledge to change it.
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> "All contested elections are submitted to the Committee of Elections in the first instance, who examine and report their opinion, with the evidence, if desired by either party or the House, or deemed by them necessary.
>
> "The rules are, that all Committees shall be appointed by the Speaker, unless otherwise directed by the House, in which case they shall be appointed by ballot.
>
> "It will be the duty of the Committee of Elections to examine and report upon the certificates of election, or other credentials of the Members returned to serve in the House, and to take into consideration all such petitions and other matters touching elections and returns as shall or may be presented o come into question, and have been referred to them by the House."

It would be seen from this that the committee of privileges of the United States did not differ very widely from the Election Committees of this House, except that the power of adjudication was, in the United States, in the House. Having entered sufficiently into these circumstances, he would now approach what appeared to him to be the most important question which this subject involved, namely, what practical remedy the House should adopt in respect to the adjudication of contested elections, assuming that it retained its jurisdiction in this matter. He thought it could not be denied that for many years after the Grenville Act was passed it worked practically well; and he (Sir R. Peel) certainly recollected that in his earlier Parliamentary career he had not heard so many objections urged against it as had lately been raised. He would very briefly state what, in his opinion, were the chief defects of the present system. In the first place, all the preparatory proceedings were of a nature to taint the rest. Each party naturally endeavoured to secure as numerous an attendance of the adherents of his party as possible, and the consequence was that the public saw, an unusually large assemblage drawn together for the purpose of striking an Election Committee, and a degree of excitement and zeal prevailing amongst the members of both parties which very ill accorded with all the moral notions of a judicial proceeding. When men assembled together in large numbers, for any purpose calculated to awaken their political feelings, they were much more liable to be betrayed into party decisions than they would be individually if invested alone in their own persons with certain duties, and duly sensible of the responsibility which they incurred. If anything could induce him to give a partial decision it would be the excitement which prevailed in the House itself on the appointment of Election Committees. There was, also, this to guard against—how far the scruples which might induce an over punctilious man to give a decision contrary, perhaps, to his own impression of the case, for fear of incurring the imputation of having acted under the influence of party bias. His opinion was so strong against this preliminary step, and the stamp which it gave to all subsequent proceedings, that, in his opinion, nothing could remedy it. Supposing even the wish to be on all hands to guard against anything like an undue influence of party in the constitution of the committee, yet had it not frequently occurred, with perfect fairness in the mode of the selecting the Committee, that it had been composed of ten members of one party and only one of another? In two or three instances, which he at the present moment remembered that had been the case. Another error to which the present system was subject was in his opinion the predilection of the parties themselves to exclude from the committee those very men whose opinion on such a subject was likely to have most weight. A party to a contested election, having full confidence in the abilities of a very clever counsel whose services he had retained, preferred rather to have it in his hands to address a committee composed of gentlemen who knew little or nothing about the matter, than to submit his case to a Committee of experienced men whose opinions were known to have weight and authority. These were a few of the objections to which the present system was liable; and in coming in the next place to consider what could be done to remedy these defects, he must say, that, after all that had been proposed by others, he had very great hesitation in offering any suggestions on the subject. He was desirous, in the first place, of doing away with the practice of summoning Members for the purpose of having their names drawn upon a committee, and he wished also to exclude, as far as possible, the influence of party, and to do away with the practice of excluding Members whose authority should have most weight in matters of this kind. With these objects in view he should propose, that after a general election the first act of the House should be to determine who were liable to serve upon Election Committees. Some extent of service should be prescribed also which should entitle a Member to exemption from subsequent Committees; for he did not think, for instance, that a man's having served upon a committee on a petition which went off in half an hour on a point of form should entitle him to exemption. Whether or not the Members of Government should be liable to serve was a point which he should leave to themselves. He very much doubted, also, whether he should exclude those Members from participation in Election Committees who happened to be themselves petitioned against. Indeed, he could not see any wise or reasonable principle upon which they could be excluded from this duty, whilst they were permitted to exercise every other right and power as Members of that House. He thought also that this rule held out a great inducement to parties to petition against Members for the mere purpose of preventing them from sitting on election committees. He thought the House should facilitate *bona fide* petitions as much as possible, but that, at the same time, it should give no encouragement to frivolous petitions, which had no other object than that of crippling the public service of the Member so petitioned against. It was still a matter of doubt with him whether this rule should be abandoned, but, at the same time, he threw out the point as one deserving of consideration. Having once determined who were liable to serve on Election Committees; they came now to the great difficulty of appointing an assessor, or judge, whose authority should guide and have weight with the Committee. He saw a very great objection against calling repeatedly upon the Speaker in matters of this kind. It was certainly of the utmost importance that the Speaker should hold the scales of justice between contending parties; but, at the same time, he thought it extremely desirable, that he should not be continually liable to be called on to settle disputed points between conflicting parties. All he (Sir R. Peel) would call upon the Speaker to do would be one single act, which he was sure he would perform with the most perfect impartiality and integrity, and in a manner to give satisfaction to all parties. What he should call upon the Speaker to do would be, to nominate a Committee, which he should call a general committee for elections, and which he should propose should consist of very few Members, perhaps four or six, or some such limited number. The House and the country, he was sure, would cheerfully repose confidence in the perfect impartiality with which the Speaker would in all cases proceed to nominate the general Committee. Perhaps it might be desirable to require the consent of the House to the Committee when nominated by the

Speaker; or it might be deemed better and simpler to leave the matter finally in the hands of the Speaker. This, however, was a point upon which he (Sir R. Peel) was indifferent, though he thought it so easy to constitute a general Committee of this kind with perfect fairness, that the matter might safely be left in the hands of the Speaker. The Committee so appointed would be perfectly impartially constituted; and to this Committee, acting under the obligation of an oath, he would leave the duty of appointing the Select Committees which were to try all election petitions. Suppose, for instance, there were thirty election petitions pending, the general Committee of four or six would have to select thirty Committees to try these petitions, either by selecting thirty election Committees in the first place, and then appropriating them to the several petitions by ballot, or by selecting the Committee individually to try each particular petition. He must say, however, for his own part, that he was so averse to everything having the colour of chance about it, that he should much prefer the latter course of appointing a distinct Committee to try the merits of each particular petition. Suppose, for instance, there was a petition from Dublin. He would leave it to the general Committee to appoint a Committee to try the merits of the petition, with full confidence that they would select a competent and impartial Committee for the purpose. In the next place, he should propose, that the election Committees should be more limited in their numbers. He thought seven would be quite enough to form a Committee, perhaps five might be too few; but he should have no objection to reduce the number to seven or nine. If it was thought that mistakes might still be made, and persons be nominated by the general Committee, to whom some personal objection might reasonably apply, it might be desirable that the general Committee should, in the first place, appoint eleven or thirteen names, giving the parties to the petition a limited right to strike. Suppose, for instance, seven were to be the constituent number of an election committee, it might still be a question whether the general Committee would appoint those seven at once, or whether they should nominate eleven, giving the parties on either side a right to two strikes. In the next place, it was desirable, he thought, to give the Committees the aid of assessors. In order to do this, they might either compose the Committee of six Members, with a legal assessor, who should be their chairman, with the voice and authority of a judge, and equal in every respect to any other Member of of the Committee; or they might constitute the Committee of seven Members, and give them the assistance and aid of an assessor. There were one or two points upon the respective merits or preferableness of which he would then give no opinion. One very great difficulty in the appointment of assessors would be this; that the call for their services would not be uniform or permanent. At the first meeting of Parliament after a general election, there would naturally be a comparatively large number of petitions, and the services of several assessors would, of course, be required; whilst, in subsequent years, there might only occur two or three contested elections. If a permanent staff of assessors, therefore, were to be kept up, the public would be burdened with the salaries of officers whose services were only required for one year out of every four or five. Upon this point, therefore, he should be inclined to copy the principle of an Irish act, and provide, that all persons who were willing to act in this capacity, should notify their willingness to the House, and that they should be selected from the list so formed by the general Committee for the particular cases which occurred to require them. At the same time he would have it understood by those parties, that whilst the House was willing to pay them liberally for their services whilst the occasion for them lasted, its connexion with them ceased with the occasion, and that the House was at full liberty to choose where it pleased on all subsequent occasions. With regard to a court of appeal, to ratify or dissent from the decisions of the general body, he thought there were such objections to this tribunal, that it ought to be avoided unless it was found absolutely necessary, or unless the points in dispute were of too grave a nature to be left to the determination of a single judge. These were the general principles on which he supposed a tribunal might be constituted within the walls of Parliament, free from the objections which applied to that which at present existed. He should have no attendance of Members on the ballot. He should exclude the operation of chance. He should have a preliminary Committee, fairly selected from those sitting in the House, who should have the benefit of a legal adviser, who might regulate their decisions, in a manner not only consonant with justice, but in such a way as to insure satisfaction on the part of the House. He should also insure on each Committee the presence of a competent number of Members experienced in the forms of the House, and who should not be disqualified on the ground of ability and experience. He did not conceive it necessary to trouble the House with any further suggestions in addition to those he had already stated, and which were exclusively his own. The bill of the hon. Gentleman contained many of the objections which applied to the present system. It was defective as to the initiatory proceedings, which were left by it under all the influence of party excitement; because there would continue the same motives, the same manifest interest for each party, to attend in as great numbers as possible. And, on the whole, unless he saw some chance of remedying the main defects of the present system, by some course fundamentally different, he could not see any advantage in a change merely providing for subordinate defects. All the main objections to the present system remained in force against that which was now submitted, besides others of minor importance, which peculiarly applied to it. With respect to the appointment of an assessor, he thought it of so much importance that adverse litigant parties should both choose a tribunal for the decision of their disputes, that he would invite them to an agreement on this point, and do all that could reasonably be done to effect that object. And when he knew how often parties coincided in the appointment of an assessor, he could not help thinking that when the services of men of eminence were secured, both by the honour of the station and the ample remuneration which attached to it, there would be no great difficulty in getting adverse parties to agree to an assessor. It was a sound principle of jurisprudence generally acted on, that when litigating parties could do so, they ought to adopt friendly arbitration. These were the suggestions which he thought it right to offer, after having given the subject the best consideration which he could, and which, at any rate, were not founded in any lurking desire to secure advantage to party. "I do feel," said the right hon. Baronet, "that the interest and honour of the House are concerned in the amendment of this system. I do believe, that the interests of justice are involved in its amelioration, and I am satisfied that this House which professes to be governed by principles of honour and integrity, must necessarily entertain the strongest desire that any tribunal appointed to decide controverted elections, shall, as far as possible, partake of that integrity, and honour, and be free from the imputation of partiality."

Mr. *O'Connell* had hoped, that the right hon. Baronet, instead of offering suggestions, would have proposed that this bill be referred to a Committee, where it might be deliberately considered. He was quite free to admit, that it was impossible to discuss this question in a more suitable tone and temper, or with greater ability than had been displayed. It was impossible not to admire the way in which the subject had been opened, and the total absence of anything like party feeling which had been observed by the right hon. Baronet. The right hon. Gentleman's mode of discussing this question showed that they had arrived at the first stage towards appointing such a tribunal as would ameliorate the system. The right hon. Baronet clung much to retaining the jurisdiction in the House; but yet he was compelled to seek extrinsic aid, and whether that should be through the instrumentality of an assessor to advise, or a judge to determine, they had now, for the first time admitted, even by the advocate for retaining the power of decision in the House, the necessity of some additional aid for the purpose of obtaining justice. Let it then, be recollected, that the principle of extrinsic assistance was admitted, and that other individuals, besides the Members of the House, were called on to aid in this proceeding. For his part, he was of opinion that this bill should be referred to a Select Committee, with instructions to consider the operation of the Grenville Act, and to suggest a remedy for the present evils. That was the plan which he meant to propose; that was the motion with which he meant to conclude the few observations he should address to the House. He thought they should have this question deliberately considered in Committee in all its bearings, particularly when it was once admitted, that something additional was required for the proper trial of election petitions. Whether it was safe and wise to adopt any external aid was the question; for he did not think it was proposed by anybody that the jurisdiction should be taken altogether out of the hands of the House. As for himself, he was sure he had never dreamed of any plan which did not include a superintending Committee, to determine upon what should be the merits tried by other tribunals. As it was once admitted, that some extrinsic aid was necessary, let them see whether the objections to trial by jury with the aid of a judge, were perfectly well founded. The right hon. Baronet had said, that there were two questions of law which entered into the trial of election petitions; one was the Parliamentary, and the other, the statute and common law. The tribunal which was guided in its decisions by the statute and common law, was perfectly competent to the trial of controverted elections: for most of the titles by which they sat there, and the greater part of the franchises of those who sent them, were such as were recognised by the statute law. The construction of the statute law belonged emphatically to the ordinary tribunals of the country; and a more clumsy tribunal than a Committee of that House, not consisting of lawyers, could not be chosen for the adjudication of questions under the statute law. The next objection to any change was the totally undefined nature of the parliamentary law. But if it were undefined at present, it should be made defined; and if it were undefined, was it not clear that the tribunal which was a bad one to decide upon the construction of the statute law must be infinitely worse when called on to decide a law not defined at all? As to the undefined nature of the parliamentary law, that was an additional reason for taking the adjudication of election contests out of the present hands and placing them under the jurisdiction of the judges, who were in the habit of investigating what was often not more completely defined in some of the evolutions of our common law. But then it was said, that the jury might participate in the bias which existed in that House. True; but let it be recollected that this bias might be effectually obviated, because he intended that the original committee of eleven should ultimately report and declare the sitting Members. So that particular questions might be determined on for the decision of trial by jury, which might be of light consequence in relation to the ultimate right, and would take away from the power and strength of the bias to a particular party. Of course he intended, that the jury should act under the guidance of a judge, and should continue to observe the principle of unanimity. Whatever might be the result of his expressing the opinion, he should certainly leave the legal tribunals the same power of setting aside a verdict in these questions as they had in any way whatever. He believed it was understood at the time he made it, though it might not now be recollected, that his proposal was, that a committee of five should be chosen by the Speaker to determine the issues to be tried between the parties; that these should be sent to the Court of Queen's Bench (of which court he made choice), and that they should be tried as near as was consistent with impartiality to the place where the facts arose. For example, he should have the questions on Irish petitions tried in the nearest county to that from which each emanated, and in which the judges thought there might be the most impartial trial. He did not now enter into details, and had referred only to a portion of a plan which he might submit to a committee, but which could not be satisfactorily discussed by the whole House. Having met the two objections stated by the right hon. Baronet, he came now to the statement, that the trial of issues by a jury would require too great an expenditure of money, and too great a number of jury decisions. Now, he asked, what was the state of the law at present with regard to a scrutiny? Look to the former Dublin election petition. The Committee sat ninety-two days; it decided 537 separate cases, and the examination of witnesses lasted eighteen months. Now, he ventured to say, that if a classification were made of those disputed cases, separate costs charged, and a jury appointed to try their merits, they would be reduced to a very small number. At all events, nothing was more vexatious than the length, or oppressive than the expense, that the parties were exposed to at that time. When they talked of improving these tribunals, and of the impropriety, or at least the unwillingness, to take these questions out of the jurisdiction of the House, let him ask, could anything possibly be worse than the present system? Was it possible even to imagine anything worse? He did not mean to express his own opinions in terms of harshness. What they were was tolerably well known; but he appealed to the opinions of others, and asked, could anything be more afflicting than the general opinions of those tribunals? In one of the public prints of that day the conduct of the Hull Committee was descanted upon. The gentlemen comprising it were said to be either dishonest or imbecile. Yes, they were left another alternative—of being both. On the contrary, the conduct of the committees in the Shaftesbury and Belfast cases was dwelt upon by journals of the opposite politics, and certainly the powers of language were tolerably well exhausted as to the manner in which these two tribunals were conducted. He did not say, that these things were well founded: he was satisfied with a neutral expression of opinion, and did not decide either way; but he did say, what a horrible example was held out to the country of the first gentry of England being publicly stigmatized in the strongest language which could be used—of being charged with partiality, and with, of course, violating their oaths! Let it not be forgotten that in a few months these gentlemen sat as magistrates, and condemned felons, pickpockets, and rioters; they also fined and imprisoned without the intervention of a jury. Was it clear that there was no vilification in the judges themselves? Of what weight were their sentence and condemnation, if the public took up the opinions of the public writers published at both sides, and entertained generally or universally, namely, that they totally disregarded the sacred obligation of an oath, and that their decisions, even with the sanctity of an oath, originated in, or were governed by, nothing so much as party violence? This situation of things ought not to remain; they ought not to be liable to that rebuke. They ought one and all to endeavour to get rid of such an abuse, and the more so when they reflected in how few instances the decisions of committees were not in accordance with the opinions of the majority of its members. Take the Election Committees this Session, first and last, and see in how very few instances it had happened that except a man had a majority in the committee of the same opinions with himself he had a decision in his favour. They ought to be in haste to get rid of such an imputation. It was true, that the Grenville Act worked well for awhile? Why? Because a few votes made no substantial difference to parties when it first became a law. A ministry did not then depend on twenty-five votes; and party spirit did not enter into their proceedings, because there was no adequate motive to arrive at wrong decisions, except, indeed, where the right of voting in particular boroughs determined a question of property to the amount of 60,000*l.* or 70,000*l.*; and they would find, that in those cases the decisions of Committees were impeached by writers of the day and in speeches in that House, almost as much as they were at present; though in the former instance there was the chance of correction by appeal to a second Committee before the right of voting was finally decided. For a length of time there was not, in any other case, an adequate motive for a wrong decision; but the time had arrived when the actuating motives became powerful and cogent, and they now found, accordingly, that in proportion to the cogency of the motive, the suspicion as to the fairness of these decisions was strengthened, and obloquy and reproach cast on the conduct of Committees. If he had said anything which might be considered harsh as to the particular Committees to which he had referred, he begged to state distinctly, that he did not speak from his own observation, but dwelt upon a historical fact publicly canvassed. It was said, if a Member had six of the same views with himself on his Committee he was safe, whilst he who had but five was sure to be defeated. Now that result—that the merits of the case should be exactly proportioned to the opinions of the majority—could only be brought about in two ways, either by a miracle or by corruption. When the term corruption was applied, of course nobody meant pecuniary. The present tribunal could not then continue. Why? Because they had not the material with which to continue it. They could not in that House find persons who were totally free from party violence; at least there were not as yet any persons who had shown themselves to be so exempt. And what magic was there in the number seven or nine that was not to be found in the present number of eleven? The selection was to be made from the same materials, and the mischief was only to be given another shape. Would there not be the same liability to complaint? Were not men as solemnly sworn now as they could be then? Were they not now placed as much under the obligation of an oath as they could be then? What advantage, therefore, could it be to make a different selection? or if they determined to do so, let them come to the resolution after full deliberation.. He admitted, that much might be done in accordance with the suggestion of the right hon. Baronet for defining the rights of election by codification, and making mandatory declarations as far as it could be done by phraseology in a particular way. There were some points which certainly admitted of being reduced to certainty; for instance, whether the registry should be opened or not. There were Gentlemen who were as pure and honourable men as could be found on the face of the earth who had decided this Session, over and over again, that the registry should not be opened, and Gentlemen equally respectable were of opinion that it should be opened. They could codify to a considerable extent, but there was an undiscovered region which lay beyond codification, and in which the question of construction must arise. So that when once party bias prevailed, however they made the law, they must, however reluctantly, include another ingredient in the composition of these tribunals. A great deal might be done by determining of what the franchise should really consist; by making the registry conclusive, and forming a tribunal of appeal. Take the French law. In France, the right to vote was determined by the jury-list. It having been decided that a man had a right to be placed on the list, any person might appeal to the superior courts to have him struck off, or he himself might appeal if he conceived he had a right to the privilege, though not included in the list. No question could, by possibility, arise afterwards. In this country, many improvements might be effected in this respect; and if it were for nothing but to take away the temptation to bad judging and the opportunity for wrong decisions, it was perfectly right and absolutely necessary that the franchise should be strictly defined, and that a proper decision on a voter's right should be conclusive. But even after they had taken every precaution of this description, were not facts in every case the subject matter for the adjudication of such a tribunal as that intended? It was folly to go into the registry without trying the question of the value of the landlord. And what a cruel hardship it was to bring over from Ireland six or seven witnesses to prove, that a ten-pound voter was entitled to the franchise! There was also the case of bribery again; describe it in as accurate terms as they could, it must be left to a construction of law and to trial of fact. Who was the witness that ought to be credited how far his knowledge went, how he comported himself? These were points which none but an impartial jury (if it were possible to be found) could decide. It was impossible, then, so to arrange any law as not to leave a great deal to the discretion and opinion of the Committee itself. He should not further detain the House. Everything which had fallen from the right hon. Baronet ought to be the subject of inquiry, not in a conversation across the table, but in a Committee, where the opinions of each Member might be compared and sustained by him who introduced any proposition to be considered. He should conclude, by moving, that the bill be referred to a Select Committee, with "an instruction to the Committee to inquire into the operation of the laws regulating the trial of Controverted Elections, and to report such alterations and amendments as may be best calculated to correct existing evils."

Mr. *C. Buller* was anxious to state his reasons for considering the Bill which he had introduced as a proper remedy for the evils which they all lamented. He should first deal with the amendment of the hon. and learned Member for Dublin. It seemed to him to be a most extraordinary amendment as a mere matter of form, for the hon. and learned Gentleman wished the Bill to be referred to a Select Committee, not to examine it and report on its details, but to do over again the work of the Committee from which the Bill had emanated, and to strike out a new plan. The House, he was sure, would not consent to such a mockery of their own proceedings. The plan of the hon. and learned Gentleman was very simple, and at the same time very extensive, and he was glad the House was afforded by it an opportunity of deciding on the question of transferring the jurisdiction of that House to the ordinary tribunals of Westminster Hall. He was exceedingly glad that the right hon. Baronet (Sir R. Peel) had come to his assistance; and though he was rather afraid, from some observations which the right hon. Gentleman had made, that he was about to take a contrary course, he was glad that on mature consideration, and in accordance with the Conservative principles which he professed, he had determined to resist a proposal which involved a most rash and dangerous innovation. He might thank any one for this, but particularly the right hon. Baronet, for the part which, with his station, interest, and character, he had taken on himself in commencing the debate, and giving to it a tone of calm deliberation and perfect freedom from party favour which he hoped would be adopted by every body as successfully as he should do his utmost to imitate it. The only thing he had to complain of with regard to the plan of the hon. and learned Member for Dublin was, that he had not gone into such details as would prove its practicability. The hon. and learned Gentleman inveighed against that House; he argued that the functions of Committees should be transferred, and that trials should take place by judge and jury of the disputed questions which came before the Committees of that House. He told them, that the judges were to get an impartial jury in some county near the place where the facts arose, but where this happy county was, to which they were to transfer their jurisdiction was one of those important details which he had kept out of their consideration at present, and which he supposed he meant to reserve for the Committee up stairs. There were only two plans submitted to the House which contained any semblance of plausibility. One was the appointment of a judge by the House, to whom all cases should be referred. It was argued in favour of this proposal, that there was no danger in giving such a jurisdiction, because the judge being nominated by the House, would take care not to interfere with its privileges and independence. But the objection which he had to this plan was, that such a person would be the nominee of the majority when he was appointed, and then his decisions would not be satisfactory to the party in the minority. Or if they were, suppose the appointment to last without such a majority existing in the House, it would be impossible that the majority which then prevailed, could consent to have their privileges sacrificed at the dictates of one whom they considered the nominee of a former majority, and who represented the interests of the present minority. It was very important that judicial establishments should conform to the general principle established for the adjudication of disputes, and in this country no one could doubt the general partiality for trial by jury. But then, they could not know precisely what machinery was to be supplied for distinguishing in these new tribunals between law and fact. Would they adopt the artificial and laboured system of pleading used in the courts. Was there any reason to believe, that in respect to Parliamentary cases the ordinary tribunals of the country could get rid of party bias? Again, had they any reason to hope they could find a set of country gentlemen who should be either above party bias or the suspicion of it? He confessed he was somewhat surprised to hear the hon. and learned Member for Dublin, who certainly all his life had not spoken in the highest terms of the ordinary tribunals of justice, propose that the trial of controverted elections should be added to their other duties. He had some experience of the proceedings before the courts of law, and he never yet knew of any case at all touching upon political matters in which both judge and jury had not their decision attributed to party motives and bias. At the assizes nothing was more common than to hear the counsel and solicitors in such cases asking each other what were the politics and opinions of the judge and jury, clearly proving that it was at least as much to these as to the pure merits of the case they looked for the verdict. He would be the last to deny to the judges of Westminster Hall the possession of a high character, but still he must say, that whenever in their official duties they came in contact with politics, their good character, more or less, became tarnished. How far, he asked, did the opinions of the judges as to the law of libel and high treason agree with those of the public? The opinion was rife throughout the country that the Tory judges stretched their authority in such matters to the disadvantage of the people. But in respect to the particular point under consideration, the House was not without some practical experience of the disadvantages arising from letting the judges interfere in election matters. In Ireland at the present moment the judges did so interfere, the Act giving a power of appeal from the decision of the revising barristers to the judge of assize. Now he had heard it stated in that House—he believed it was by the hon. and learned Member for Dublin—that there were ten Tory and two Liberal judges in Ireland, and that invariably, in all political matters, the decision of these judges bore the impress of their party feelings. The question of value was a very important one in registration matters. It was the interest of the Liberal or popular party to have it rated very low; while with the Tory party it was, on the contrary, a desirable point to have it set at a high rate. It all but invariably happened, that when this question was mooted in Ireland the ten Tory judges decided with the Tory party, and the two Liberal with the Liberal party. But even supposing the decision of the judges to be correct, so high did party feeling run in the country, that in every case it was to be apprehended, the unsuccessful party might impugn, and as the purity of the judges in the eyes of the world ought to be the peculiar object of the Parliament, he should fear the experiment of giving them authority over party questions. He should now wish to make one or two remarks upon the plan suggested by the right hon. Baronet; although his doing so without having had time to consider his somewhat complicated suggestions might appear presumptuous. The right hon. Baronet had stated some great defects in the construction of election committees. The first referred to the mode in which the Members who had to sit on election committees were collected together — he meant the process which, in Parliamentary phraseology, was termed "whipping a committee." He quite admitted, this was an evil well deserving general attention, and though he might be liable to the charge of doing nothing specifically in his bill to remove it, he thought it was not likely to come into play as obnoxiously under his plan as it did at present. The matter had not escaped the attention of the Committee from which his bill emanated, and the plan they suggested in this respect was the following one:—They proposed, that the selection of the Members to serve on a Committee, should not be made to depend on their attendance in the House on the day of its nomination, but that a Member might be named in his absence, and that once named, he should be obliged to serve. Not, however, to keep Members unnecessarily in town, it was proposed to divide the House into panels of sixty each, and the Committee should, in turn, be selected from one or more, of those panels. He had not shrunk from proposing to include this plan in his present bill, from any aversion to it, but simply from the inability he found, to get all parties to agree to the various propositions into which the measure of necessity divided itself. One objected to one part of the Bill while assenting to others, while another made that very obnoxious point, a *sine quâ non;* and thus, in his inability to meet the wishes of all parties, he found himself compelled to limit the measure much more than he deemed expedient, or originally contemplated. Secondly, in his list of the defects of the present system, the right hon. Baronet placed the selection by chance. This was the only point of principle on which he found it impossible to agree with the right hon. Baronet, and simply for the reason that it was incidental, not only to the jury system, but every other system by which it was attempted to counterbalance the evil of permanent judges. If they should determine upon adopting for Parliamentary cases, anything like the jury system, or indeed if they did otherwise than leave the power of absolute decision to the judges, they must, of necessity, retain the system of selecting by chance. The right hon. Baronet further objected to anything like striking. This also, he feared, could with difficulty be got rid of. He willingly admitted, that the present plan of striking was the very worst that could possibly be devised. The chief evil, however, he proposed to obviate by providing, that the party striking out a name, should not know the name that followed, so that each party would be forced to object only to those to whom there was some real substantial objection. He now came to the point of assessors. Upon this head, there was one great point of difference between the right hon. Baronet and himself. They both agreed, that there should be assessors to guide the inquiry, but they differed as to the manner in which they should be selected, and more important still in regard to their permanence. The right hon. Baronet said, that accordingly as an assessor was required, some gentleman should be selected from the bar for the purpose. By the adoption of such a plan, no fixity would be given to the law; and, on this ground, if on no other, he objected to it. What he proposed was, to establish a tribunal of three assessors, to consist of gentlemen whose names, characters, and opinions, were known to, and appreciated by, the public. This tribunal he proposed, should be permanent, the great value of the judicial system being, in his opinion, the permanence of the judges by whom it was put into operation. This principle would be lost by the adoption of the right hon. Baronet's plan. According to it, assessors were to be named by a general committee, accordingly as they were required. Now, suppose an arbitrator thus casually selected, were to give a wrong decision, would it not be said by the great body of the public, not that he had given a false or captious decision, but a too honest decision. Again, what security would they have that they could at all times procure the attendance of a competent person to act as an assessor? Every one seemed to agree, that some legal knowledge was very necessary for every legal tribunal. But could they, if they adopted the plan of the right hon. Baronet, at all times depend upon the services of barristers of sufficient eminence and attainments? But it was urged as an objection to his proposition for a permanent tribunal, that as these assessors would only be required for one Session out of seven, the country would be paying them during six Sessions for doing nothing. To this he answered, that he would prefer paying seven times for permanency than have such important matters intrusted to judges hired by the job. But he confessed he thought the exertions of Parliament might be directed to much more important matters than the selection of the judges. He thought they should, in the first instance, address themselves to the simplifying of the law of Parliament. If they did this, they would clear the road of many of the difficulties which stood in the way. He did not go so far as to say, that simplifying the law of Parliament would enable them to do away with the necessity of having a good and competent tribunal to decide upon election matters; but still, if properly done, many of the difficulties of the matter would be removed. Again, if the vote by ballot were enacted, full nine-tenths of the election committees would be done away with. This was an argument which had often struck him as in favour of that measure. If they had vote by ballot, election committees would be confined to cases of qualification, riot, or undue influence on the part of a returning-officer. But to return to the difficulties likely to be experienced in the appointment of the assessors. If the House were to take these assessors from the bar, they would either not get competent persons, or have to pay for their services very enormous salaries. His opinion was, that they should not go out of the House at all for these assessors, but from their own Members appoint permanent chairmen of committees. There was one other point to which he desired to address an observation, and that was the reduction in the members of the committee. The right hon. Baronet (Sir Robert Peel) seemed to think seven was the proper number. His (Mr. Buller's) impression was, that they should have just sufficient Members on these committees to keep in check the decisions of the permanent assessors. He was not at all disposed to concur with those who imputed to Members of that House either a wilful disregard of oaths, or a wilful determination to upset justice; but he believed, that election committees were very often misled by their ignorance, of what in reality constituted Parliamentary law. His opinion was, that they could get no where better materials for an honest and impartial jury than within the walls of that House; all that was required, was to instruct the Members in the law, and to make them responsible to public opinion. The first of these requisites would be obtained through the medium of the permanent assessors, and for gaining the second he should propose giving to the proceedings every possible publicity. He had, in conclusion, but to thank the House for having so long listened to him. Whatever plan they might choose to adopt, whatever act it might please them eventually to pass, whether they should decide to throw out his bill, or refer it to a Select Committee, he begged to assure the House he should feel perfectly content with their decision. He naturally should prefer to see his own measure adopted; but, under any circumstances, it would be a source of the greatest satisfaction to him to be able to reflect hereafter that the House of Commons, in consequence of his having proposed the present measure, had adopted a law to remedy evils which, in his opinion, it concerned both their public and private honour to remove as speedily as possible.

Mr. *Gibson* observed, that the existing evil was admitted by the House and complained of by the country. But what were the alleged grievances complained of out of doors? First, the general incompetence of the tribunal. It was asserted, that hon. Members were placed on Election Committees who were destitute of the knowledge and ability to decide on the question before them. The second alleged grievance was, that party feeling prevailed over justice in the decisions of the Election

Committees. The third alleged grievance was the uncertainty of the law upon the subject. How did the hon. and learned Gentleman propose to meet the first objection, and to render the tribunal more competent? Simply by furnishing the Committee with the assistance of a barrister of seven years' standing; leaving the Committee, however, the power of deciding contrary to his suggestions. Would that be a sufficient aid to Members of the Committee to enter into nice disquisitions into the matters brought before them? If not, the Committee would be still incompetent. He was inclined to think that in many cases hon. Members would be fortified in their own opinions by the adverse opinions of the assessor, and would determine in contradiction to him. Then, as to the second objection, namely, that party feeling governed the decisions of Election Committees, how did the hon. and learned Gentleman propose to remedy that? By reducing the number of the Members of the Committee. Now, he did not believe that the integrity of a Committee would bear an inverse ratio to the number of Members of which it was composed. It had been said by some hon. Members, that satisfaction would never be given to the public on this subject until the matters in question were referred to the decision of some tribunal not composed of Members of that House. They might be said to be at present removed from the jurisdiction of the House. When they were referred to the consideration of a Select Committee, from whose decision there was no appeal, that Committee became independent of the House, and the jurisdiction on the subject was entirely removed from the House itself. Mr. Fox opposed the Grenville Act on its introduction; on the ground "that to adopt it would be to abandon all the powers and privileges of the House with respect to the election of their Members." To him it appeared that the proposed creation of a tribunal for the purpose of three judges, acting under the direction of the Speaker, would by no means be advisable. At the same time, when the finality of the decision of the existing judicature on the subject was considered, when it was recollected that a motion for a new trial might set aside the verdict of a jury or a writ of error the dictum of a judge, when it was remembered that from the decisions of all the courts there was an appeal to the House of Lords; and when it was considered that, from the determination of an Election Committee, there was no appeal whatever, this finality rendered it a bounden duty on the House to endeavour to imbue that tribunal with the spirit of wisdom and justice, so that its decisions might be received by the country with deference and satisfaction.

Sir *William Follett* was of opinion that the question was one of great difficulty, and that it would be impracticable to decide it satisfactorily until more time was given for its consideration. He was not aware, until recently, of the nature of some of the propositions made upon the subject; and he was, therefore, not at present competent to give an opinion upon them. He hoped, therefore, the plan which his noble Friend, the Member for North Lancashire would, he trusted, propose might be adopted; namely, that of referring the whole of the law on the subject to the consideration of a Select Committee, with a view to the framing of a declaratory law respecting it. In fact, he considered the House in rather an embarrassing situation on this point. Several propositions had been made to the House. In the first place, his hon. and learned Friend, the Member for Liskeard, wished that his bill might go on, still thinking that it might be so improved as to be made available to the purpose for which it was intended; a point on which he (Sir W. Follett) differed from him. Then there was the proposition of the hon. and learned Member for Dublin, which was, to refer the consideration of his hon. and learned Friend's bill to a Select Committee, for the purpose of proposing in that Committee a plan of his own, by which certain issues in cases of controverted elections should be directed to be tried by the ordinary legal tribunals. Finally, there was the plan of his noble Friend, the Member for Lancashire, which he hoped his noble Friend would bring forward, and for which he should certainly vote. He would proceed to make a few observations upon these several plans, and especially on the first two. He differed in opinion from his hon. and learned Friend, the Member for Liskeard; but he thought his hon. and learned Friend was entitled to great credit for his efforts to amend the existing state of things in this respect. The subject was one, however, which required very deliberate consideration, and he was sure that no hon. Member would pronounce an opinion in favour of any proposed alteration until he was perfectly satisfied that it was one which ought to be made. The hon. and learned Member for Dublin had observed, that even if the existing tribunals for the determination of contested elections were not so bad as he really believed them to be, yet that the universal dissatisfaction which those tribunals gave, and the general impression that justice was not done by them, were sufficient reasons for making an alteration in the system. Now, whether or not, it was practicable for the House of Commons to keep the jurisdiction with respect to their own matters appeared to him to be a matter of considerable importance. At the same time, he confessed, that he did not feel the objection in a constitutional point of view to removing the trial of contested elections from the House of Commons which was entertained by his right hon. Friend, the Member for Tamworth. He readily admitted, that his right hon. Friend had stated in a most forcible manner his opinions on that point; but he owned that he could not quite agree with him. He could perfectly understand the precedents to which his right hon. Friend had adverted; and was quite aware of the disposition which that House had evinced to resist the encroachments of the Crown, and to resist any attempt to authorise the Lord Chancellor, or the Court of Chancery, to decide upon the contested returns of Members. In such cases, he could suppose the House saying, "The Crown has no right to interfere with our undoubted privileges, or to deprive us of the power of deciding on matters having reference exclusively to our own body," and he could suppose the House resisting all interference on the part of the Crown, and persisting in retaining inviolate all the rights and privileges they enjoyed, and resisting, on constitutional grounds, every effort at encroachment on the part of the Crown. He could understand all that, and he thought the House and the country were deeply indebted to their ancestors for defending against the Crown the constitutional privileges of Parliament, and preserving from the danger with which they were threatened the rights and authority of the House of Commons; but no one could say that any danger to the constitutional rights of Parliament now existed, or that there was any fear of encroachment on the part of the Crown. No such danger now existed, and the only question now to be decided was, what was the best tribunal for the trial of controverted elections? Even in the early times to which his right hon. Friend had alluded, and when the House was struggling for its liberties against the power of the Crown, the House of Commons soon found, that it was incompetent to act as a court of justice for the trial of disputed elections. Those trials exhibited mere party struggles, and were decided by a party majority. All the evils now complained of, existed at the period to which his right hon. Friend had alluded, and the House soon found it necessary, for its own character and honour to part, to a certain extent, with its jurisdiction, which was deputed to Committees selected from the whole body. He, however, wanted to know to what extent those favourable to the appointment of another tribunal wanted to confine the power of that tribunal, for if he had understood what had fallen on a former occasion from the right hon. Gentleman, the Chancellor of the Exchequer, that right hon. Gentleman had expressed his approbation of a measure, taking from the House all questions arising out of controverted elections, and making the decision of the barristers appointed, final and conclusive, even in regard to the elective franchise. Was not that abandoning one of the most important privileges of Parliament? and yet they now shrunk from allowing disputed elections to be decided out of that House. He could agree with those who saw great difficulty in getting a proper tribunal, but he could not agree to the proposal, and he never would consent to it, that controverted elections should be sent to trial like ordinary disputes. It was not so far as the judges were concerned, that he objected to such a proposal, for he was convinced that they could be trusted, and, that in every case they would act honourably and honestly; but he objected to such a plan, because he did not believe they could get an impartial jury. Those persons who might be selected to fill the jury box, were just as likely to be influenced by party feelings and party prejudices, as the Members of the House of Commons; and in times of great political excitement, most persons liable to serve on juries had party feelings and views, and on questions involving party politics, could as little be trusted, as Committees of their own body.

He therefore thought, that by sending disputed elections before juries appointed in the usual way, they could not get quit of the evils existing under the present system, and that such a plan could be no remedy for the grievances complained of. The difficulty of trial by jury, might, however, be got over; but he objected in the most decided terms to mixing up the judges of the land with party and political questions. He did most sincerely believe, that there existed throughout the country a universal feeling of confidence in the truth and justice of the decisions given from the bench, and he was persuaded, that the judges, while in the seat of justice, would act consistently with their high character, and would not allow their judgments to be warped by anything like party bias. He believed such feelings were universal; but if the judges were constantly brought into collision with party questions and party politics, he did not think, that the confidence of the country would long be continued, and he was sure that no persons would deprecate more any measure investing the judges with the power of trying controverted elections than the judges themselves. He therefore strongly objected to the proposal of the hon. and learned Member opposite. He objected to it because he did not think the proposed system better than that which now existed. He objected to it because he thought it was impracticable, or, if it was practicable, because, in his opinion, it would be a greater evil than that which it was intended to cure. Nor had he heard any other proposal yet made for the trial of controverted elections, out of the House, which was not, in his opinion, liable to the same objections. If disputed elections were sent to a jury, the jury was as liable to be influenced by party feelings as Members of that House; if they were to be sent before judges specially appointed, then the difficulty arose, who was to appoint the judges—in whom were they to rest their appointment? He did not know where they were to place the power of appointing the judges—whom they could appoint for that purpose above all suspicion of party feelings. He therefore did not feel the constitutional objection which had been urged by his right hon. Friend, the Member for Tamworth, against the removal from the House of the power to try disputed elections, for the House had never acted judicially without losing in character; but he objected to the plans which had been proposed, because he could not find, out of the House, a more impartial tribunal, or one less likely to be actuated by party feelings. Let them, however, look at the plans which had been proposed, and let them see which of those plans was most likely to remedy the evils complained of. But in the first place, and in order fully to understand the merits of the different proposals, let them examine what the causes were which made the present tribunal so defective. He had already stated, that he was convinced the defects in the present system did not arise from corruption on the part of Members of election committees, or from a wilful determination to decide for party purposes, against the law, or against the facts detailed in the evidence taken before them. He was persuaded that no such unworthy motives actuated the Members of any Committee. But they appointed certain persons chosen by ballot, and without any regard to fitness, for the trial of certain difficult questions of law, which, in a great many cases, those persons were unable to comprehend. He hoped he might be allowed to say so much without offending any Gentleman who had been a Member of an Election Committee, because many questions to be decided by Election Committees, were of so difficult a nature that they required the most practical lawyers to understand them. Very nice questions of law had to be decided, arising out of controverted elections, and it was impossible, that a large portion of the Members of that House could fully comprehend them. The Members of Committees, puzzled with those points, and not knowing which party was right or which was wrong, gave their votes in favour of their own party, but not from motives of corruption, or from any wilful determination to act in opposition to the law and to the facts of the case. Such was his firm persuasion. Let them, then, see whether it was in their power to obviate this difficulty, and to provide a remedy for the evils in the existing system. And in the first place, he would beg to call the attention of the House to the fact, that the great outcry against the present system had arisen since the passing of the Reform Bill. He hoped the noble Lord opposite, (J. Russell) would pardon him for saying so, for it was undoubtedly true, that before the passing of that act, few complaints had been made against the existing tribunals, whereas, since the passing of that measure, the complaints had become general. The reason was this, although the constitution of the Committees was the same as formerly, they threw upon the new and inexperienced Members, difficulties which were too great to be surmounted even by the judges of the land; they threw on the Members of those Committees, the difficult task of expounding three different Acts of Parliament, all passed for the same object—the extension of the franchise, yet each materially different from the other two. This difficulty would be rendered more clear if they would refer to what had taken place in the Court of Queen's Bench since the Municipal Corporations Bill had become the law of the land. In the Queen's Bench a very considerable part of every Session had been occupied in the trial of questions arising out of disputed clauses of the Municipal Corporations Bill: and although the decision of one judge generally regulated the decision of every other judge, when a similar issue was to be tried, yet so great had been the difficulties in the way of construing the different clauses of that act, that Parliament had been obliged to pass several declaratory bills to remove the difficulties in the way of the judges; or, in regard to the Reform Bill, take the question as to the power of Election Committees to open the registry, which had been alluded to by the hon. and learned Member for Dublin. A Committee in determining the question, had three acts before them, all passed for the same object, the one being for the purpose of exextending the constituency in England, another for extending the constituency of Ireland, and the third for increasing the constituency of Scotland. In construing these acts a person would naturally suppose that all being for the same object, the same meaning was to be attached to the similar clauses in each. But all the three bills were different. Each established a registry, and in England that registry could be opened; it might also, be opened under the Act for Scotland; but as regarded Irish elections, the opening of the registry was a point disputed. These doubts perplexed Committees, and rendered it difficult to determine what was the proper construction of each act. And what was the consequence? A petition was presented to the House, complaining of an unfair return; the Members were summoned, a ballot took place; and when the Committee was appointed, and when it came to try the merits of the election, the first question which the Members had to encounter was, whether they had under the Reform Act, the necessary jurisdiction to enable them to decide the points at issue between the parties; and while they decided that they had not the power of opening the registry, another Committee in the adjoining room, came to an exactly opposite determination by deciding that they had the power of opening the registry. But that was not the fault of either Committee, for if there was any doubt at all as to the power of the Committee to open the registry—and after what had taken place, it was impossible to suppose that doubts would not arise—he could not see how such contradictory decisions should not be given. When, however, such contradictory decisions were given—when the strongest doubts existed as to the power of a Committee to open the registry, surely it was the duty of Parliament, by a declaratory bill, to define the powers vested in Election Committees, and to explain what the issues were they were at liberty to try. The same observations were equally applicable to other clauses of the Reform Bill, and equally contradictory decisions had been given on various other points which had come before Election Committees. If, then, a Committee were appointed, all those difficulties might be got over, and a declaratory bill might be passed, removing all doubts as to the meaning of the disputed clauses, and explaining satisfactorily the powers with which Committees were invested. In the course of a few years, all questions relating to the right of voting under the Reform Bill, would have been tried and settled in such a way, that disputes would rarely occur, and it was, therefore, highly important, that a declaratory act should be passed, defining the powers of Committees, and explaining disputed clauses. They would then remove, if such an act were passed, great part of the difficulties which now existed; but he would not say, that any declaratory act could entirely remove the evils which existed in the system. Such a supposition would be idle; but the proposal he had made would remove the difficulties which they at present felt, and tend to remove the present causes of complaint. He was persuaded that much might be done by the adoption of such a course, and therefore if his noble Friend, the Member for North Lancashire moved for the appointment of a Committee with a view to the passing of a declaratory Bill he should feel it his duty to vote for the motion of the noble Lord, as he considered much good might result from the adoption of such a step. He would now state why, in his opinion, the Bill of the hon. and learned Member for Liskeard was useless for the object which the hon. and learned Gentleman had in view. The objections to the present system were the incompetency of the tribunals, and the party feeling which was supposed to operate in Election Committees. These were the two evils which were generally complained of. Had, then, the Bill of the hon. and learned Gentleman succeeded in removing them? Let the House look at the provisions of that Bill. In the first place, the hon. and learned Gentleman proposed to reduce the number of Members on Election Committees from eleven to five. In the second place, instead of the strike which was allowed under the present system they were to have a challenge in the House; and, in the third place, to obviate the want of legal knowledge in the Committee, the hon. and learned Gentleman proposed the appointment of assessors. With respect to the hon. and learned Gentleman's first proposal, he thought the reduction of the numbers was more a matter of opinion than of real importance, although he confessed he could see no good that could possibly result from reducing the numbers from eleven to five. To the other two parts of the hon. and learned Gentleman's proposal he was however decidedly opposed, because, instead of removing the evils complained of, the Bill would, in his opinion, aggravate them if the plan of the hon. and learned Gentleman were carried into execution. First, then, as to the strike. The hon. and learned Gentleman proposed, that the ballot should take place as at present, and that, instead of having eleven Members as now, they should only have five. Now the hon. and learned Gentleman said, that the strike gave a party character to the transaction and to the Committee, but did his Bill obviate that objection? No; the same evil remained exactly the same as ever. The plan of the hon. and learned Gentleman did not obviate the difficulties which existed with regard to the present system; for if his Bill were passed, was it not probable that the assessors appointed by that Bill would be influenced by party feelings. But then, as to the strike, it was proposed, that instead of parties retiring to another room as at present, they should have the strike in the House in the midst of party excitement, and in front of the contending parties. Could such a proposal be carried into effect without adding to the party character of the whole transaction? Who was to challenge the appointment of any Member? Did the hon. and learned Gentleman suppose that in a crowded House, called together by the usual summons, and acting under the same feelings of excitement as at present, they would not hear such exclamations as, "Challenge this man or that—he is opposed to the party—don't therefore trust him?" Such language might not in the confusion be distinctly heard, but did the hon. and learned Gentleman suppose it would not be heard in whispers? And to what would such a state of things lead? Would not such a proceeding assuredly have much of an irritating character? Would not much of party feeling be displayed, and, therefore, instead of removing the evil which was now complained of, would they not add much to its intensity; and what was worse, they could not adopt such a course without giving rise to personal and offensive observations. If the hon. and learned Gentleman had referred to what took place in courts of law, he never could have proposed the adoption of such a scheme. There was a right to challenge a common jury in ordinary trials in those courts, but did ever any person hear of a juror being openly challenged in a court of law? There was a right so to challenge him, certainly, but it was a right never exercised, as it would be highly offensive both to him and to his companions. The practice was to give a list of the jurors to the officers of the court, the parties in the suit having put crosses before the names of the persons to whom they objected; and those persons the officer of the court abstained from calling. As to special juries, the usage in striking them was precisely the same as that which was resorted to with Election Committees in the House of Commons. Eight and forty names were put into a glass, and the superfluous number struck off in private. Suppose this was deferred until the special juryman came to the box, and he were then openly challenged in the court, would not that be personally offensive both to him and to his companions? He would rather have no strike at all than the kind of strike recommended by his hon. and learned Friend. It was said, that the proposition of the Committee might work well. He agreed with the hon. Member for Liskeard that it might; but the only valuable part of that report was, that very part which was omitted in this Bill. He would now come to the question of the assessors. His hon. Friend proposed the appointment of three assessors, who were to have 2,500*l.* a-year each. These assessors were to have the power of appointing deputy-assessors, to act from time to time. By this he conceived that his hon. Friend was attacking the principle of his own Bill; because these deputy-assessors were only to act from time to time, and then they were to be heard of no more. How were these assessors to be appointed? Originally they were to be appointed by the Speaker, who was to lay their names on the table, and if the House disapproved of the appointments they were not to take place; and this was to go on without limit. That was the original mode, and that was the mode still, as regarded filling up vacancies, but not as regarded the first appointments. How, he would ask, could any appointment of an officer, who was to decide upon party questions, be more objectionable? He agreed with the observation made by his right hon. Friend (Sir Robert Peel) that it was not prudent to mix the Speaker up with any party question in that House. But these appointments would not be the appointments of the Speaker, but of the House of Commons, because the House might continue to dissent from the nominations of the Speaker until they had obtained appointments agreeable to their own desires. It was, in truth, vesting in a majority of the House, in case of any vacancy, the appointment of the assessors, who would have the control over election Committees. And this was the proposition of an hon. Gentleman who had declared that he did not consider the Members of that House could be trusted as judges on election Committees! Surely, if he could not trust hon. Members of the House to act on Committees on their oaths and on their honour, as judges, how could he trust a majority of that House to appoint, by their votes, the judges who were to preside over those Committees? Hon. Gentlemen talked about the party nature of the existing tribunals; he would ask whether, by the proposed plan, they would not still have party contests and struggles in the House upon every occasion of making these appointments? The judges would necessarily be appointed by that party who had the majority in the House. He objected, therefore, to the proposed mode of appointing the assessors for the filling up of vacancies. But then consider the power of these judges. Because, after the establishment of all this machinery, and the payment of 2,500*l.* a-year each to the assessors, accompanied with other expenses, there ought to be something like an efficient tribunal. But these judges would have no legal power whatever. His hon. Friend had said, appoint the assessors first, and then define their powers. Well, what were to be their power? By a clause in the Bill they were to have precisely the same powers as a chairman of a Select Committee, except that they should not vote. Now, he would ask what powers the chairman of a Select Committee had at present? He knew something of those Committees, but he had never heard that the chairman possessed any power except the power of voting. He believed, that a chairman of a Select Committee had no power at all, not so much even as to order the door to be shut, without a vote of the majority to back him. The Committee had powers, but the chairman none. He was the mere organ of the majority. All the power he had was that of voting, certainly a very material power, and one of great importance in cases where the parties were equal, but that power his hon. Friend meant not to confer on the assessors. The power then which the assessors were to have was that of the chairman, except the power of voting, that was to say, none at all. Then, what did his hon. Friend propose should be the practice of the Committee as far as regarded the assessor? He required the assessor every time the Committee had come to a decision to state his own opinion upon the question; and then after the decision was come to, he required the assessor to state openly whether he assented to or dissented from that decision. How would this work? Suppose the Members of the Committee (as they might be) were equal, the assessor would have no power to decide the question at all, or to direct the Committee even upon points of evidence. All the power he would have would be to act, as it were, *in terrorem*,' or rather *in verecundiam*, by expressing his assent or dissent, and thus shame the Committee into a decision in accordance with his own opinion [Mr. *C. Buller:* Hear.] His hon. Friend cheered; did he suppose that a chairman, placed at the head of a Committee without any authority whatever, could influence or terrify the Members of that Committee, and compel them to decide (contrary to their own convictions) according to his opinion, and that, too, not an opinion on a matter of law, but of fact? He would tell his hon. Friend what would be the effect of this plan. It would not strike out the brains of the Committee; but it would influence everybody, if possible, to strike the brains out of the chairman; because, if hon. Members chose to have an opinion of their own, and to exercise their own judgment, they would act against the opinion of the assessor; but if they were not disposed to exercise any judgment of their own, why, then, any party who thought the particular assessor was friendly to his own view of the subject, would take care so to constitute the Committee that they should act under the control of the assessor. But what sort of influence would any such an assessor have, if there were any person of authority on the Committee? Suppose the Attorney-General or Solicitor-General were on the Committee, what sort of control, by authority or by the influence of shame, would the assessor have over either of them? The opinion of both those learned Gentlemen would have equal weight with the assessor himself. The influence to be exercised by the assessor would vary on every Committee. A Committee of strong nerves would disregard what was said by the assessor—a Committee of weak nerves would decide according to his opinion; and then they would have the same uncertainty prevail in the decisions of election petitions as that which now existed. These, however, were the whole of the substantial alterations which were proposed to be made in the formation of election Committees. He, therefore, would repeat his conviction, that these alterations would in no way tend to remove the evils of the existing system, but would very materially tend to aggravate them. When he first heard it proposed that there should be assessors, it struck him that they should be persons of competent knowledge on questions of practice, of evidence, and of law; that they should have the power to lay down the rules of practice and of evidence, and to sum up the facts to the Members of the Committee, who would act in the nature of a jury, and to state what his view of the law was. He could not help thinking that if the House could devise any plan, free from objection in other respects, that should give such powers to the assessors, it would be a considerable improvement of the present system. But the assessors certainly should have the power of deciding points of evidence and points of practice, and be required to sum up to the Committee, and state their views of the law publicly and in the face of the profession. Still he could not help regarding the mode of appointing these assessors as a question of some difficulty. He was not at present prepared to say, whether it would not be better to have them appointed from time to time than have them appointed permanently. He would not, however, give a decisive opinion on that point at present. If the hon. Member for Liskeard proposed to go on with his Bill that night, he should not object to its going into Committee; but entertaining still a strong feeling in his own mind, that no very great advantage could result from it in its present shape, and having no hope that it would remove the evils complained of, he should consent to its going into Committee only with the prospect of seeing it considerably altered and amended. If the hon. and learned Member for Dublin persisted in his amendment, he should oppose it, because he considered it wholly unnecessary to refer this Bill to a Committee, after all the proceedings which the House had taken on this subject; and if the hon. and learned Member proposed to send cases arising out of controverted elections to the ordinary tribunals of the country, he should have a stronger objection to that course. He apologised for the length of time he had trespassed on the House, but the interest which he took in the subject must be his excuse. It was one of considerable importance, and it had always struck him, that it was one in which the honour and character of that House were more deeply concerned than in any other, and he was satisfied that nothing had tended more to lower that House, and the Members of that House, in the respect of the public, than the present system of disposing of election petitions.

Lord *Stanley* said, that there was only a single point on which he felt a disposition to differ from his hon. and learned Friend, and that point was as to the willingness which he had expressed to enter into a further consideration of the Bill of the hon. Gentleman (Mr. C. Buller), for he confessed, that he was in utter hopelessness of bringing that measure to the issue which the House desired to arrive at. Although the subject had been thoroughly exhausted, sifted, and probed to the very bottom by his hon. and learned Friend; yet, called upon as he had been by several Members of the House, he was desirous to take an early opportunity to express his opinion upon it; at the same time, from the peculiar circumstances in which the debate stood, he hardly knew whether he ought to enter upon the discussion at all. For upon the question of reading the order of the day his right hon. Friend (Sir R. Peel) took the opportunity of entering a little into the general question of preserving the jurisdiction of the House, or of transferring to the ordinary tribunals of the country that power which the House at present exercised over the controverted elections in election Committees; whereupon the hon. and learned Member for Dublin, following the right hon. Baronet, and commenting at some length upon the plan which the right hon. Baronet had incidentally thrown out, intimated his intention of moving, as an amendment upon the motion of the hon. Member for Liskeard (Mr. C. Buller), that the Bill before the House should be sent to a select Committee, not for the purpose, however, of improving the Bill, but of entering upon the consideration of an entirely new proposition. From that moment he had waited in vain to know what course either the hon. Member for Liskeard intended to take, or what plan the hon. and learned Member for Dublin intended to propose. This was the condition in which the House was placed by the conduct of that hon. and learned Member, who had since left the House. They were, therefore, debarred from going into a consideration of the Bill of the hon. Member for Liskeard, or indeed of any other measure; for they were discussing the whole question in the absence of the hon. and learned Member who had moved the Amendment. This he believed was a case unheard of in the history of Parliamentary discussion. He had been waiting in order that the House might meet the question which, by implication, the hon. and learned Member for Dublin had raised: namely, "Would the House part with their jurisdiction, or would they keep it and endeavour to amend it in the best possible manner in their power?" He would not argue the question, because he believed every Gentleman must feel most strongly, if not upon constitutional grounds, at least upon practical grounds, the expediency and sound wisdom of deciding against transferring the jurisdiction of the House to another tribunal; at least not without having previously exhausted every possible means of rendering the present tribunal efficient for the purposes intended to be effected by it. He supposed, however, that the hon. and learned Member would not attempt to press the Amendment of which he had given notice; and in the absence of that hon. and learned Gentleman he hoped they might proceed upon the supposition that it was the desire of the House to search out every possible mode of retaining the jurisdiction in its own hands, and, so retaining it, of purifying the tribunal from those errors which were admitted to exist in it. It was some satisfaction to him—although he was unsuccessful in persuading the hon. Member for Liskeard to postpone his Bill—that the House came to the consideration of this question under infinitely more favourable circumstances than when it was first introduced. They now approached it when their decision could have no immediate bearing on pending interests, while they were at the same time about to decide upon the question with the great addition to the stock of their experience which had resulted from watching the operation of the election Committees which had recently been sitting. The evils of the existing system were admitted on every side. No one would attempt to disguise the object for which hon. Gentlemen came down to the House to attend the ballot for an election Committee; and that it was in the hope that by a full attendance they might obtain a party advantage. No one denied this; but the House would observe what, according to the doctrine of chances upon which all their proceedings took place, an immense importance it was to one party or the other to have a very trifling majority in attendance at the time of the ballot. Suppose there were 170 on one side and 160 on the other; according to the doctrine of chances, this proportion made it almost a matter of certainty that the party having the majority of 170 in attendance would obtain a majority of six out of eleven on the Committee. He was not defending this system. All admitted the evil of it; he was only showing what a small majority of Members of one party at the Ballot it required to give that party an advantage. Why was it a great advantage? Because it was admitted that party bias would influence the opinions of Gentlemen in Committees, notwithstanding their best determination to keep clear of it, and notwithstanding their high feelings of honour as Gentlemen. According to the present system and the present law, questions must and would arise in the course of discussion in Committees having an immediate bearing upon the result of the election, and upon the decision of which party bias always had, and would have, an influence. He would remind the House of the manner in which this system had worked with reference to the Committees of the present Session. There had been twenty-six Committees up to the present time. How many of those Committees had reported against that party who shared in the opinions of the majority of the Committees? Out of the twenty-six Committees, twenty had decided in favour of the party who shared in the political opinions of the majority of the Committees. He would not say, whether these decisions had been on this side or on that side. He had abstained from mentioning the proportion in which the majorities of the Committees were on the one side or the other. But the result had been practically, that twenty out of twenty-six had decided in favour of the candidates who entertained the same political opinions as the majority on those Committees. A great proportion of these were Committees upon Irish elections; and there were but two of those Committees that had not decided in favour of the Member sharing in the political opinions of the majority. What inference did he draw from this? Did he draw the inference that Gentlemen would pay less attention to, or act less fairly on, Irish Election Committees? He drew no such inference. Hon. Members were the same on Irish as on English Committees; the tribunal, therefore, was the same. But the conclusion which he drew was not so much that the tribunal was bad, as that the law was bad. His object was not to show what was the result where political bias was strongest and partiality greatest, but where imperfections and uncertainties in the law most extensively existed. With respect to Irish elections, the law was less defined upon disputed questions; and where the law was less certain, cases might fairly be argued on one side or the other, which could not arise where the law was well ascertained, and where there were conflicting decisions. It was in human nature, that an incompetent tribunal would give decisions in favour of that party to which the majority were politically attached. He, some time ago, stated to the House, that, in his judgment, it was not so much the tribunal as the law on this subject that was defective. He was happy to find, that that opinion had gained ground with Gentlemen who had turned their attention to the subject; and that it was the opinion of Gentlemen on both sides of the House, that the first step which the House ought to take was to appoint a Committee to examine into the practical defects of the existing law; the uncertainty of that law, occasioned by the conflicting decisions come to by the Committees, and the possibility of the House passing a declaratory act upon the subject. The hon. Member for Liskeard said, that he would not object to that course, but that he should object to its being made an amendment to his motion. That was an argument, the force of which he could not perceive. What he should propose was, that if a Committee were appointed, that it should altogether supersede the further consideration of the hon. Gentleman's measure. With regard to the provisions of that measure, he entirely concurred in the objections stated to them by his hon. and learned Friend (Sir W. Follett). He thought it would be extremely difficult to find Gentlemen of high standing at the bar who would, for the purpose of holding the office of assessor, abandon their profession; passing three or four years of their time in idleness, and devoting a portion of their fifth year to the overwhelming business of Election Committees; and, after all, not holding their situations permanently, but being removable at the pleasure of the Crown, or of a majority of the House of Commons; and having the appearance of possessing great power, but really exercising little or no power over the decisions of the Committee. He did not think they would get Gentlemen of any standing to accept the office. According to the present system the chairman had the casting vote, which he might not be required to give in many cases, the number of Members on a Committee being eleven. But that number might, by circumstances, be sometimes reduced to ten, and then the chairman would exercise his right of giving a casting vote. But according to the proposition of the hon. Gentleman (Mr. C. Buller) the Committees would consist of only five Members, and which number might be reduced to four; but there would be no casting vote. Suppose a Committee to be reduced to four Members, and suppose that a resolution were proposed that A. B. had not been duly elected, and on a division there were two and two, the resolution could not pass. Then suppose that a resolution were proposed that C. D. was duly elected and ought to have been returned in the place of A. B., and the same four Gentlemen divide the same way—two against two—that resolution could not pass. By the terms of this bill the assessor, not having a casting vote, could neither declare that one Member had been elected, nor that the other had not. If he might be permitted, then (passing the bill of the hon. Gentleman by), to offer a suggestion as to the course which ought to be pursued, it would be the appointment of a Committee which should consider what decisions had been come to by the Committees of the House of Commons upon points of law respecting controverted elections, and inquire how far, by a declaratory enactment, it was possible to simplify such decisions for the future, and what further amendments might be made in the constitution of the tribunal for trying election petitions for securing a uniformity in the practice and law upon the subject of disputed elections. In his opinion, a considerable number of contradictory cases might be disposed of by a declaratory enactment in the first instance. For example, with regard to the opening and closing of the registry; with regard, again, to the question of qualification in Irish election cases. He would venture to say that much of the difficulty and embarrassment in which a Committee was now placed with respect to Irish qualifications arose from the defective arrangement of the law, and from their not having a test of value in the first instance for the qualification of an elector in Ireland, as they had in England. He hoped that the law would, in this respect, be very speedily made uniform. Many other questions might possibly deserve consideration previous to the House taking any ulterior steps. But it was his strong conviction that a Committee which would inquire fully into the election law, which would bring to bear upon the question a large experience and extensive knowledge of the existing system, with a determination to deal with it in a spirit of candour and of fairness, and with an entire absence of all political bias, might, by a full examination of its working, lay down rules for the regulation of Committees in all future cases of controverted elections. He thought the Committee of 1836 had committed an error, by coming to resolutions without a full investigation of the subject. They said that, knowing the existing tribunal to be defective, they would, without inquiry, take upon themselves to find a remedy. He would mention one or two cases in which party bias would necessarily guide men when they were called upon to decide a question, with a knowledge of the manner in which that decision would bear upon the interests of certain parties. Take the case of bribery; and then take the strict rules of evidence. There was not a more common question discussed by Election Committees than this;—whether they should first of all have a proof of the bribery, or in the first instance a proof of agency; and then call upon the party to substantiate the charge of bribery by fixing it on the agent. This was manifestly a case in which Members knowing how the decision one way or the other would influence the interests of the parties might feel a bias in deciding either, that agency should be first proved, or that bribery should. Again, with regard to the rules of evidence. Some stress had been laid to-night upon the question of a Member of Parliament being bound or not by the strict rules of evidence. Now, could any man conceive a case more likely to give scope to the operation of political bias in the decision of an Election Committee than this; that they were to decide on each case as it arose, whether the party should or should not adhere to the technical rules of evidence? Why, in one case, the technical forms of law and rules of evidence might be against the friend in whose case a Member was interested: but that Member might yet conceive, that the substantial justice of the case required that the strict rules of evidence should not be departed from. Still the practice admitted, that they might be departed from; nothing, therefore, could be more plausible than for him to insist that the strict rules of evidence might be departed from. On the other hand, it was perfectly open on the other side to argue, that in all cases they ought to adhere to the strict rules of evidence. This was a question very fit for discussion in a Parliamentary Committee—ought Election Committees to abide by the strict rules of evidence, or might it have the power to set aside all those rules for the purpose of admitting secondary evidence? It was at all events, a point which ought not to be left to an Election Committee to decide upon in each particular case. He was inclined to think, that, under certain qualifications, a legal assessor might be a very useful appendage to an Election Committee; but then he would have the duties of the Committee and of the assessor strictly defined. He wished to make the law certain. He would, therefore, confer on the Members of the Committee the power of deciding matters of fact, for which they were competent, and he would take from them the decisions of matters of law, for which they were not competent; and on the assessor, he would impose the duty of laying down the law of the case, of applying the strict rules of evidence, and of determining the course of proceeding to be adopted. In his opinion, the great partiality of Committees arose not so much on the points of law, in which they were not well versed, as upon the practical points having a direct bearing upon the case; these he would leave entirely to the discretion of the assessor, however appointed; and though he would not allow the assessor to charge the Committee like a jury as to both the fact and the law, he would oblige him to lay down the law and to sum up the facts, leaving the decision in the hands of the Committee. He thought that there would be no difficulty in finding competent persons to discharge the duty of assessors: he believed that there were at least a dozen Gentlemen at the bar perfectly competent to discharge the duty who would accept the appointment, and before whom counsel would not press many of the points which they now urged, presuming on the Committee's ignorance of the law, and a sufficient number of Gentlemen might be appointed either by the Members of the Committee or with the consent of the parties whose decisions would give general satisfaction. These Gentlemen ought to be handsomely rewarded for their labours; they need not retire from the general exercise of their profession, and he doubted whether they should even be compelled to give up their practice before other Committees. He held it to be a great objection to the proposal of the hon. and learned Member for Liskeard, that he intended to withdraw the assessors from the active prosecution of their profession, but his suggestion would not be liable to that objection. Additional security might be given, because it would not be difficult on the requisition of either party, when the law or practice should have been ruled by the assessor, that his decision should be reported to the House, together with the report of the Committee. Having laid down the law in the individual case, a precedent might be established which might be confirmed or set aside by the declaration of the House of Commons. Another great objection to the bill of the hon. and learned Member was, that the decisions in one Committee would form no precedents for the future; and not only had he provided this difficulty, but he had also most ingeniously introduced a source for two conflicting authorities, which might be cited on both sides of the question by the next Committee; for whereas the decision of the Members of the Committee might be opposed to the opinion of the assessor, and in the succeeding Committee the counsel on one side would rely on the opinion of the assessor as a good legal opinion, whilst on the other side the learned counsel would argue that it was a mere dictum of the assessor which was unauthorised by the Act, that he had a great respect for the knowledge, the talent, and the ability of his learned friend, but the opinion was hastily come to, it had been set aside by the vote and the decision of the Committee, which decision had been confirmed by the House. The evil under the hon. and learned Gentleman's bill therefore was, that the decisions of Committees would be no precedent; but if they imposed on the assessor the duty of laying down the law and the rules of evidence, and if the Committee reported to the House in each case that Mr. So-and-So had laid down such and such law before the Committee, and if the House did not interpose to declare it to be otherwise, the decision would have great weight with any other Committee on the same question. He did not, however, propose this as a plan; he only mentioned it as being worthy of the consideration of a Committee, and he thought also, that many of the practical evils to which Election Committees were subject, would find an imperfect remedy, if remedy it might be called, in the proposal of the hon. and learned Member for Liskeard, but that much might be done by declaratory resolutions upon some points of the law. He (Lord Stanley) was aware, that after the length at which the subject had been debated, he should weary the House by a further statement, and he would not have risen had he not been pointedly called upon to state his views. If the House should be of opinion, that the motion of the hon. and learned Member for Liskeard was sufficient to meet the difficulties of the case, he (Lord Stanley) would not interpose by proposing a Committee; but if, as his own firm conviction was, the House should think, that the proposal was quite insufficient, that it contained no one remedy for the crying evils of the present system, and that whilst it exaggerated some of those evils it disposed of none; then, when the amendment of the hon. and learned Member for Dublin should have been disposed of he (Lord Stanley) would move the further postponement of the consideration of the report on the present bill for six months, and after that motion should be agreed to, he would move that "a Select Committee should be appointed to investigate the cases of conflicting and questionable decisions before Committees of that House for the trial of Controverted Elections on points of law, or practice before such Committees, with the view of deciding how far declaratory enactments might simplify the law and render the decisions of such Committees more uniform and authoritative."

Mr. *Sheil* must say, that it appeared that the plan of the right hon. Baronet, the Member for Tamworth, had been lost sight of; and after the beneficial reforms in the administration of justice which that right hon. Baronet had introduced, he thought that any plan suggested by him merited the best consideration of the House. It would avoid all chance, and it would do away, firstly, with all strife; and, secondly, with the temptation which now existed to present petitions against the return of hon. Members to prevent their being on an election ballot. The only fault which he found with the plan as he understood it, was, that he did not learn, if there should be conflicting decisions, what process was to be adopted for reconciling them: but this was only a matter of detail. He thought that the plan was good; because, in the first instance, there would be a Committee elected composed of persons of high station in the House, whose characters would be at stake, and he supposed that the Committees chosen by them would partake of the high character which attached to those Gentlemen. Then, with respect to the assessors, it did not appear to him to be of any great consequence whether they were to be permanent or not; but all parties agreed, that there should be some assessor, and it struck him that the Speaker might be very safely and legitimately intrusted with the nomination. He (Mr. Sheil) thought that the right hon. Baronet's plan was the most practical and the most feasible which he had heard; imperfections there undoubtedly were, but all imperfection it was impossible to avoid. Now that excitement was strong, it was asked why there was more litigation than there had been; and it was said, that it was one of the consequences of the Reform Bill. It was not, however, the fault of the Reform Bill: it was the necessary consequence of three different measures of reform having been passed without the ample consideration of the details of their machinery. But parties also were more equally balanced now than they were fifty years ago, and there was consequently now more eagerness to go before the tribunal than there was previously. With respect, however, to the imperfections of the law what were they to do? The noble Lord proposed the passing of a declaratory act, but there were many questions with respect to Ireland on which there was little probability that they could agree. First there was the opening of the registry, next there were the municipal rates. Did the noble Lord remember, if not, he did perfectly well, that during the progress of the Irish Reform Bill, he asked the then Attorney-General, Mr. Crampton, what municipal rates meant, and the reply was, that the subject was so clear that he would not offend the good sense of the House of Commons to give a definition. Again, the Government had, in the English bill, introduced a clause giving to the Committee the power of scrutiny, but they had given no such power in any clause of the Irish Act. He (Mr. Sheil) had asked for its introduction, but had not been successful. Then it had been ruled that a man of 5,000*l.* a-year arising out of an estate held on a lease for lives renewable for ever had not a sufficient qualification to entitle him to sit, and he had a friend who to obtain a qualification was obliged to swop one estate for another. Now, how were they to get a declaratory law upon these points passed? Or rather how were they to get it through another place? He would like the right hon. Member for Tamworth, who had made such excellent suggestions as to what ought to be done, to suggest also how they were to get any such bill through the other House. We (continued the hon. and learned Gentleman) contend that the registry is closed, you, that it ought to be opened; surely you will not propose to close it, and if you propose to open it, we will not consent. At least I suppose that the Government will not consent that it shall be opened: at any rate I will oppose it, and I am satisfied that no such thing will be done. Why should it be done? But I am afraid, Sir, that I am getting into party questions. Let me go back to the point immediately before us. Suppose that the House shall come to the decision by a majority of some twenty that a declaratory law shall be passed, and that the registry shall be closed, the Lords would reject the bill, and we shall be as much at sea as ever; and I am satisfied that no plan will pass, whether it be proposed by the hon. and learned Member for Liskeard, the hon. and learned Member for Dublin, the noble Lord opposite, or the learned Gentleman, the Member for Exeter; and I am equally satisfied that the difficulties of the Committees are nothing but difficulties arising out of the state of the law.

Sir *Robert Peel* wished to be allowed to say one word, not strictly by way of explanation. It was entirely his own suggestion, which he mentioned to the House, but in the House of Lords he had understood that the same thing was about to be adopted on Committees on private bills, which had the same defects as those of which this House complained, being open Committees, party canvassing took place, and there the same remedy was proposed. Hearing that such a proposal was under consideration, he had written to the Earl of Shaftesbury to know whether what he had heard was true, and his Lordship had replied by sending the regulations which it was proposed to make in additional Orders. Some of these were, that no opposed private bill should be referred to an open Committee; that every private bill, not being an estate bill, should be referred to a Select Committee of five Peers, who should choose their own chairman; that every one of these five peers should attend the whole progress of the bill; that no Peer who was not one of the five should take any part in the Committee; and then what was most important, that the Chairman of Committees, and four other Peers to be named by the House, should constitute a Committee to select the names of five Peers to form the Committee for the consideration of such private bill, and though he did not refer to the Peers' plan as an argument in favour of his own plan, yet it strengthened his conviction of its utility.

Mr. *Warburton* said, that there were three things to be considered: first, the certainty of the law to be administered; secondly, the constitution of the Court of Primary Judicature; and thirdly, the Court of appeal. All these points were now subject to great defects but in the Courts of Primary Judicature the most contrary decisions were given, which he believed caused the greater part of the difficulty. Then as to the certainty of the law to be administered, he thought that the noble Lord was right in the means which he took to obtain the desired end; but if the law were to be made certain, what became of the finality of the Reform Bill? There was hardly a clause in that act on which it would not be necessary to pass a declaratory law. In the Registration Bill, which had been introduced in former sessions, the object was, to determine points which were doubtful in the Reform Bill, but this was successfully objected to. If they wanted the law to be certain they must introduce the necessary changes in the Reform Act, and declare what was to be the law on these doubtful points. He had no objection to the proposal of the noble Lord (Lord Stanley) to declare the state of the law, but he (Mr. Warburton) assured the House that this would be comparatively useless unless they also improved the Courts of Primary Judicature, the Courts of the Revising Barristers, which was the essential point to be remedied.

Lord *John Russell* had anticipated, before he came down to the House, from discussions which had taken place elsewhere, and from hints which had been thrown out, that a powerful attempt would have been made to remove the jurisdiction from the House of Commons. It had given him, therefore, great pleasure to find, that the House had not made up its mind to take such a course. He rejoiced at it both because he considered there were very good reasons for retaining the jurisdiction, and because he thought that if the power of deciding was given to the judges, so far from causing these political questions to be decided by a judicial power, the effect would be eventually to make that power a political and a party power. He did not propose now fully to state his views upon the questions before the House, and although the right hon. Baronet opposite had commenced the debate by stating very clearly the plan which he proposed, which possessed considerable novelty, and was of considerable detail, and although it was stated as clearly as possible, yet that detail and that novelty would preclude him from giving his definite opinion upon it at present. All he would say was, that he was clearly of opinion that the plan was eminently deserving of consideration, and he hoped the House would deal with it in a regular shape when the proper time should arrive. For that purpose it would, perhaps, not be expedient to go into Committee on the present Bill to-night, or immediately, but it should be left for the right hon. Baronet to consider whether his plan were compatible with the principle of the Bill now before the House, and, if so, whether he might not incorporate it with the Bill in Committee, or whether, if he should find such a course impracticable, he would deem it advisable to introduce a separate measure containing provisions for carrying his proposition into execution. He could not, however, avoid saying, that the House, having had an opportunity of hearing the proposition of the right hon. Baronet, had derived the greatest satisfaction from it; and he thought that they should be allowed fully and maturely to consider the plan and to examine its various merits, and, at the same time, to consider whether any, and if so, what objections might be taken to it. With respect to the question itself, as to the manner in which the evils, of which every Member of that House complained, were to be remedied, without giving a positive opinion on any of the points so much argued to-night, he would say, that the main question was, whether, in the constitution of the Committees, the House would govern them so as to enable them to see their duties, and also whether they would make arrangements to protect them in the due exercise of it; because hon. Members were now rendered liable to an unfair degree of obloquy being cast on them, in consequence of the course at present adopted. Every hon. Gentleman was in some degree rendered open to a feeling being excited against him, whether in consequence of the party whose views he espoused, or of any other circumstance which might be supposed to bias his opinion. Such feelings might be engendered in every way. If an hon. Member was selected to serve on a Committee, and the decision of that Committee was favourable to the opinions of what was supposed to be his party, it was at once said, that that decision was not impartial, and that it was the bounden duty of hon. Members to decide with impartiality; then, besides, if an hon. Member did not attend the House when he was summoned, and when ballots were expected to come on, it was said that he neglected his public duties, although his reason for staying away was, that being attached to a party he would not attend, because his absence would save him from all reproach on the ground of partiality. Now, he was of opinion that this arose much from the uncertain manner in which questions came before the Committees; and any plan, therefore, which should be adopted to remedy this, would enable hon. Members to say, that they had done their duty, and they would, therefore, escape all obloquy on the subject. Now, in order to attain this object, two questions which arose must be decided—namely, in what manner the Committees must be constituted, and in what manner the Committees would be enabled to have a better knowledge of the law which they might be called upon to administer. With regard to the constitution of the Committees, there was great force in the objection made to the plan of the hon. Member for Liskeard, as to striking off the names of Members in the House, because that was likely to lead to party excitement and feelings which even now existed; and, therefore, without giving an opinion on the plan of the right hon. Baronet, he could say, that it was desirable that some such suggestion should be considered, in order that the voluntary attendance of hon. Gentlemen might be obtained for the purpose of serving on Committees, without the necessity of their being summoned by their respective parties. But the other question was of still greater importance—namely, in what manner the House could enable the Committees to have a better knowledge of the law which they were called upon to administer. The noble Lord opposite (Lord Stanley) suggested the propriety of passing a Bill declaratory of the real state of the law on many of the points in dispute. Now, he agreed that it would be very desirable to adopt this course; but, at the same time, he thought, that, whether the Committee which the noble Lord suggested should be appointed or not, there would be many points on which the two parties in the House would agree, but where, although the majority in this House should be in favour of any particular course, the majority in the other House would be likely to be of an opposite opinion. There was one point which had been referred to by the right hon. Baronet this evening—the question of trustees—but this question, and many others on which decisions had been given, would affect parties by diminishing or increasing the popular party in this country, and, therefore, if in this House it was proposed to diminish or restrict any right which parties enjoyed, in many cases by the decisions of revising barristers, he was sure that this House would be ready to oppose it, and if any Bill were sent to the House of Lords, by which many points were decided, the effect of which would be the increasing of what might be termed democratic power, although many doubts might be dispelled by it, it would not receive the sanction of that House, and, therefore, many would prefer that the law should continue to exist in doubt. For that reason he thought the proposed plan would not enable the House to make any very great progress in solving doubts on the state of the law of the country generally. But there was another subject which had been alluded to—the assessors—and the question was, whether they should be appointed, as proposed by the hon. Member for Liskeard, permanently, or whether the suggestion made by the right hon. Baronet opposite, that they should be appointed merely temporarily, should be adopted. Now, whichever course was taken, the introduction of assessors would be a very material improvement in the law. There must be many questions before Committees on which the counsel, being well acquainted with the law and the various decisions which had taken place, might lead the Committee, who were inexperienced in such matters, and unaware, therefore, that the same questions had been mooted and settled before. But without giving any decided opinion on the quality of the assessors, he was disposed not to give the preference to merely temporary and occasional assessors; and the grand object that should be attained would be to have a regular tribunal which could decide many disputed points which should come before them at times when the seats of hon. Members should not be affected. Now, the Bill of the hon. Member for Liskeard did not go to that extent. Three persons of some consequence and credit in law, giving decisions on rights to vote, when no elections were immediately going on, produced very general satisfaction with regard to their decisions, and when the Election Committees came to consider these points, their decisions, too, would carry great weight. He saw that there was very great difficulty as to their appointment, but if that difficulty could be disposed of, an arrangement might be made which was the most important as regarded Election Committees. There were many cases of law which the Committees had already decided, and he alluded particularly to cases of qualification. He would not say whether those decisions were right or wrong; but he was fully sure, that not one of those hon. Members who had been unseated on the insufficiency of their qualifications should have lost their seats, for he thought it a mode of excluding Members who had been elected as the Representatives of the people by which the people must suffer, and he hoped before long that the time would come when no such questions would be raised before Election Committees, and when persons, having been once seated, would have no difficulty on the ground of their qualifications. Now, with regard to the proposition of the noble Lord (Lord Stanley), for the reference of the whole matter to a Committee, the noble Lord proposed that the Bill should be set aside, and the Committee should sit in order to consider the objections on the law. He could see one ground on which the objections should not be inquired into at present. The Election Committees were now sitting, and it would be a gross interference with them and their decisions to do so. Some time ago, when an alteration of the tribunal was proposed, an objection of the same kind, though he had not seen the force of the argument so applied, but he now thought that it would be very objectionable that a Committee should sit to decide upon cases which had only come on the week before, with a view to the reversal of the judgments which had been given. It might be proper at another time, but the reversal of the decisions so soon after they were given, was a course which, he thought, could not be approved of. He would observe, however, that this was not a desirable mode of setting aside the Bill; for, after the Bill had been considered, and after the plan of the right hon. Baronet had also been looked into, which was not different in principle from that proposed, and the noble Lord, the Member for Lancashire, had also made his proposition, it would be very inexpedient to set aside the Bill altogether. The question was, in what manner the law should be amended. If the House could improve the tribunal it would be extremely desirable, and if afterwards they could simplify the law and make it more easy to administer, and more clear to understand, it would be also extremely desirable; but the two matters were independent of one another, and he did not see why the House should be prevented from improving the Committees before they should declare the law. He would not consent to give up the present Bill; at the same time, he should like to see the propositions of the right hon. Gentleman printed, that he might be able to consider them.

Sir *R. Inglis* agreed with the hon. and learned Member for Dublin in the plan which he suggested, and which would take from the House the power of judging upon matters of this description, for he thought that course the most desirable which could be adopted. It was needless now to state in detail the evils which existed in the present system, but there was no one Member of the House who did not feel them deeply, and with the deepest sense of shame; and he believed, that the desire to remedy the existing objections was founded on feelings which were universal. An objection had been stated by the noble Lord opposite, that the power of the judges, if the jurisdiction in such matters should be given to them, would become political; but, he would ask, was there one Member of that House who would not be willing and ready to leave his case in the hands of any one of the judges on the bench? He might fairly say, that there was not one who would offer any objection; and he was sure that he had never heard of the slightest suspicion being breathed upon the name of a judge after he had once been elevated to the bench. He considered the great evil of the present system to be want of publicity. No doubt the badness of the law was an evil, and a very material one, but the want of publicity was also an evil which ought forthwith to be removed, and he would have the proceedings made public from beginning to end. It was said, that the other House of Parliament had the exclusive decision of cases in reference to the right of Members of their House to sit, and that if that House should allow the power to be taken from them, they would be stultifying the House of Lords and themselves. Without entering into a comparison of the two cases, he would ask any hon. Member, whether, within the last six months, the decisions of the Election Committees had been at all satisfactory? The noble Lord (Lord Stanley) had shown two cases in which the decisions had been exceedingly unsatisfactory, and, indeed, erroneous. He felt that the Bill of the hon. Member for Liskeard concentrated and preserved the evils of the existing system, and he should certainly oppose it. He could not conceive the necessity of any Committee on the Bill, because it would be a mere mockery on their proceedings to go into it.

Mr. *Williams Wynn* was understood to express himself favourable to the tribunal that had been suggested by the right hon. Baronet. The main cause of the discredit at present attached to the proceedings of election Committees was the uncertainty of the law. He thought, however, that there were some very important points which were not provided for by the Bill of the hon. Member for Liskeard. He did not view it as a question of party. The point to consider was, what tribunal it would be best to establish. If they could agree on a proper tribunal competent to adjudicate and to determine questions of law, he would have no objection to make the decision of a tribunal of whose competency he was satisfied, to a great extent, final, with respect to registration. He certainly would not wish to give the assessor the authority of a judge. Parliament had always been excessively jealous of its privileges in matters of this kind, and even when the judges were called in by the House of Lords, they were not asked what was the law, but what was the usual practice of the courts of law. With respect to another provision of the Bill, he did not think that publicity in the discussions of the Committee would be of any advantage, although, at the same time, he did not see, that it could be productive of any great inconvenience; but similar tribunals, judges and juries, deliberated with closed doors, and he thought an exception should not be made in the case of Parliamentary Committees.

Mr. *P. Howard* said, that great credit was due to the hon. Member for Liskeard for bringing a subject so vitally affecting the honour and credit of the Commons calmly and distinctly before the House. He thought, however, that the measure, which had been traced out by the right hon. Baronet, the Member for Tamworth, most effectually met the difficulties of the case. It obviated all the inconvenience, and, he might add, all the scandal of a canvass for attendance of Members by contending parties. The selection of a chairman, which often gave rise to party feeling, was rendered unnecessary by the appointment of an assessor, who was to preside over the deliberations of the Committee. He was, however, not of opinion that that functionary should not be invested with the privilege of voting; at any rate, it should be reserved to him in those cases only when the votes were even, for it was important that he (the assessor) should be regarded in the light of an impartial arbiter. The Bill of his hon. Friend, the Member for Liskeard, had emanated from the report of a Select Committee, and contained, no doubt, many good suggestions; but, however useful the investigation of a Committee might be in preparing evidence and laying down principles, in securing as near an approach as possible to general assent, the framing of a bill was generally best confined to a single head. The Bill of the Member for Liskeard, with eighty-nine clauses, was so lengthy and complicated, that he was desirous that the right hon. Baronet should introduce his Bill, and it would then rest with the House to adopt that which, on consideration, appeared to be most simple and effective.

Mr. *Praed* entertained a very strong opinion on this subject. He thought that a great difficulty must stand in the way of any transfer of the jurisdiction of that House to another tribunal, but much more strongly was he impressed with the opinion that the present system required alteration of some sort. He thought, however, that in every suggestion that he had heard, the errors and defects of the present system were preserved. This was no newly-formed opinion with him, as in a conversation he had held with the hon. Member for Liskeard some time since, he had expressed it. He believed, that the evil complained of was not one of a very old date, as in the unreformed House of Commons, whatever its other faults might have been, there was seldom any objection on the score of partiality in the decision of election petitions, as Members were then so much less than now influenced by party bias, that they generally gave an unprejudiced decision—so far all must admit the new system was worse than the old. At present he would say, it was hardly possible to get—he would not say one hundred, but eleven men, uninfluenced by party to try the merits of an election petition. In making this assertion, he did not mean to make any more serious accusation against the Members of that House than to say, that the bias was sufficient if existing in any county, with respect to any matter for trial, as to induce a judge to change the venue to another. The judge, in doing so, would not imply a charge of perjury against any twelve men in the county, but merely of such strong prejudices as would render their oaths not sufficient security—not for their honesty, but their judgment. With the observations of the hon. Member for Bridport he could not concur. He knew, that the decisions of the revising barristers were becoming more satisfactory every day, as the more they came in contact with the judges, greater care and experience enabled them to make those decisions more perfect.

Mr. *G. Knight* said, that he had been confirmed by the debate of that night in the opinion which he had previously entertained—that there would be no certainty, and indeed no safety, in the decision of controverted elections, until they were sent for trial to some tribunal out of the House.

Mr. *O. Gore* expressed his concurrence in the opinions which had been expressed by his right hon. Friend, the Member for the University of Oxford. The House stood low in the estimation of the country in consequence of the strange decisions which it had made on controverted elections, and he therefore thought it might be better if the House gave up the jurisdiction which it had exercised over them ever since the celebrated case of Sir F. Goodwin. The judges at the time of that case were not independent, but the mere tools and creatures of the Crown, appointed at, and removable by, its pleasure. Now they were men of independent habits and unimpeachable character, and held their offices *quamdiu se bene gesserint* for life. Though he agreed with the right hon. Member for Tamworth, as to the appointment of the judge and the jury to whom he would refer these trials, he could not agree with him in his suggestion as to the assessor. As this appeared to be an evening when every suggestion was thankfully received, he would tell the House what he proposed to them for adoption. He proposed that there should be an additional judge appointed to each of the three Courts of Common Law in Westminster-hall, and that the senior of the puisne judges in each Court should be the Parliamentary judge to preside over the trial of controverted elections. There would then be no opportunity of appointing a judge for a particular occasion. These three judges should also form a court of appeal from the registration courts, and thus we should get rid of those conflicting decisions, which created so much doubt and difficulty as to the law and practice of Parliament.

The House divided on Mr. O'Connell's amendment:—Ayes 57; Noes 80: Majority 23.

List of the Ayes.

Archbold, R.
Blake, M. J.
Cayley, E. S.
Cole, hon. A. H.
Courtenay, P.
Darlington, Earl of
Duke, Sir J.
Dundas, hon. T.
Dungannon, Viscount
Evans, G.
Fector, J. M.
Gibson, T.
Gillon, W. D.
Gordon, hon. Captain
Gore, O. W.
Hall, B.
Hindley, C.
Hodges, T. L.
Hope, G. W.
Howard, F. J.
Hume, J.
Hutton, R.
Inglis, Sir R. H.
James, W.
Knight, H. G.
Langdale, hon. C.
Maher, J.
O'Brien, C.
O'Callaghan, hon. C.
O'Connell, M. J.
O'Connell, M.
Palmer, R.
Philips, M.
Pigot, R.
Pinney, W.
Plumptre, J. P.
Praed, W. M.
Protheroe, E.
Redington, T. N.
Roche, E. B.
Roche, W.
Round, C. G.
Salwey, Colonel
Seymour, Lord
Sinclair, Sir G.
Somerville, Sir W. M.
Strangways, hon J.
Style, Sir C.
Talbot, C. R. M.
Tollemache, F. J.
Vigors, N. A.
Wallace, R.
Wilbraham, G.
Williams, W.
Worsley, Lord

TELLERS.

O'Connell D.
Grote, G.

List of the Noes.

Acland, Sir T. D.
Adam, Admiral
Arbuthnot, hon. H.
Baines, E.
Bernal, R.
Blackburne, I.
Blake, W. J.
Boldero, H. G.
Bramston, T. W.
Brocklehurst, J.
Brotherton, J.
Bulwer, E. L.
Canning, right hon. Sir S.
Craig, W. G.
Curry, W.
Dalmeny, Lord
Ebrington, Viscount
Egerton, Sir P.
Elliot, hon. J. E.
Ellis, J.
Estcourt, T.
Evans, W.
Filmer, Sir E.
Finch, F.
Fitzalan, Lord
Follett, Sir W.
Gaskell, J. Milnes
Gordon, R.
Greene, T.
Grey, Sir C. E.
Grey, Sir G.
Grimsditch, T.
Hawes, B.
Hawkins, J. H.
Herbert, hon. S.
Hobhouse, right hon. Sir J.
Hodgson, R.
Hollond, R.
Howard, P. H.
Howick, Viscount
Kinnaird, hon. A. F.
Labouchere, right hon. H.
Law, hon. C. E.
Lemon, Sir C.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Morris, D.
Murray, right hon. J. A.
Neeld, J.
O'Brien, W. S.
O'Ferrall, R. M.
Palmerston, Viscount
Parker, J.
Parker, R. T.
Peel, right hon. Sir R.
Pendarves, E. W. W.
Powerscourt, Viscount
Price, Sir R.
Pringle, A.
Rice, E. R.
Rice, right hon. T. S.
Rich, H.
Rolfe, Sir R. M.
Russell, Lord J.
Shaw, right hon. F.
Sibthorp, Colonel
Stanley, E. J.
Stanley, Lord
Strutt, E.
Sugden, right hon. Sir E.
Tancred, H. W.
Thomson, right hon. C. P.
Thornley, T.
Vivian, J. H.
Warburton, H.
Williams, W. A.
Wood, G. W.
Wynn, right hon. C. W.
Yates, J. A.

TELLERS.

Baring, F. T.
Buller, C.

On the original question being again put—

Mr. *C. Buller* stated, that it was now impossible to take the sense of the House upon the important suggestions of the right hon. Baronet. He was still of opinion that the difference between the two plans was not so great as it at first appeared, and that there were many parts of the right hon. Baronet's plan which might be adopted in perfect consistency with his (Mr. Buller's) plan. He therefore thought that the right hon. Baronet's plan should be placed in some way before the House, and he would submit to the right hon. Baronet whether it would not be possible for him to bring it forward either in the shape of amendments upon his (Mr. Buller's) Bill, or as a distinct measure. He was sure the House expected, and from what the right hon. Baronet had himself said, he had no doubt he was ready to pursue one or other of these courses, and in order to give the right hon. Baronet an opportunity of making up his mind on the subject, and putting his plan into a proper shape, he would propose that the Bill be re-committed on the 11th of May.

Sir *R. Peel* said, that the suggestion of the hon. Gentleman was entirely satisfactory. As he (Sir R. Peel) had already stated, he offered his plan merely by way of suggestion, and with the strongest desire to keep from it the air of a political proposition. As many hon. Gentlemen seemed to wish that he should bring it forward in some shape, he would say, that he thought it infinitely better, if he were to do so, that it should be by a distinct measure rather than by any endeavour to accommodate to it a measure of a different character. He was quite prepared with the details of the measure, although upon mere matters of detail he would not commit himself, but as the hon. Gentleman had named a distant day for the Committee, he (Sir R. Peel) would, in the meantime, again direct his attention to those details, with a view to put them in a proper form. They could then be referred to a Select Committee, or considered by a Committee of the whole House, as might be deemed most advisable.

Bill to be committed on the 11th of May.

HOUSE OF LORDS,

Tuesday, April 3, 1838.

Minutes.] Petitions presented. By the Earl of Bandon, from a place in the Diocese of Ross, against the National system of Education in Ireland.—By the Bishop of Exeter, from Bolton-le-Moors, and other places, by Viscount Melbourne, from Derby, by the Earl of Rosebberry, from Newry, by Lord Lyndhurst, from Peckam, and other places, by the Marquess of Sligo, from Hilston, Preston, the Society of Friends in Southampton, from Belfast, Bath, Weymouth, Berwick, Merthyr Tydvil, and other places, and by the Duke of Cleveland, from places in Durham, for the abolition of Negro Apprenticeship.—By Earl Stanhope, from Staley Bridge, Great and Little Marsden, and other places, for the repeal of the New Poor-law.—By Lord Sidney, from the Chairmen of various Boards of Guardians, in favour of the Law.

Dr. Pye Smith.] The Marquess of *Lansdowne*, seeing the noble and learned Lord (Lord Lyndhurst) in his place, would advert to a circumstance which he had refrained from noticing last night, in consequence of the absence of the noble Lord. A few nights since he had presented a petition from Dr. Pye Smith, with respect to the improvement of the condition of the negroes. At that time he was met by the declaration of a noble and learned Lord (Lord Brougham) not now present, and by the noble and learned Lord opposite, that he was in possession of a petition from Dr. Pye Smith, containing sentiments of a totally different description. From the positive statements of the noble and learned Lord opposite, he (Lord Lansdowne) had nothing to do but to acquiesce, not having any information to the contrary. He however considered it his duty to present the petition he had intrusted to him. Since that period, however, he had received a communication from Dr. Pye Smith, with respect to whom he (Lord Lansdowne) could only repeat all that had been said by the noble and learned Lord, that he was a person of very high character and of great piety. In that communication, Dr. Pye Smith stated, that the petition which he (Lord Lansdowne) had presented, was a petition of a recent date, and that it contained his (Dr. Pye Smith's) mature sentiments upon the subject of negro emancipation, and that if he hadsigned any other petition it must have been many months ago, and before the bill introduced by the Government was brought forward. After considerable thought upon the subject, he had come to the determination that it would be dangerous to introduce so extensive and violent a measure as the total abolition of slavery. He confessed, that, in his opinion, the bill which had been introduced into the House by her Majesty's Government, was well calculated to mitigate the horrors that had hitherto attended the slave trade. He, therefore, in common with the other persons who had signed the petition, expressed his sentiments that the measure now before the other House was calculated to be productive of the best results. He thought it due to the eminent character of the individual to whom allusion had been made, that his sentiments should be thus made known.

Lord *Lyndhurst* said, that when he presented the petition to which allusion had been made, he stated, that on a former night a petition of an opposite tendency had been presented by the noble Marquess. He requested, at the same time, that the petition might be read, stating that, from what he knew of the character of the individual, when the two petitions came to be considered, one was irreconcileable with the other. He stated then that he supposed the petitions were of different dates, and that the one which he had presented, was subsequent to that presented by the noble Marquess. It turned out that these petitions were of different dates, although it turned out, contrary to his supposition, that his was of an earlier date than the other. What he had stated was mere supposition—he made no assertion, having had no communication with that distinguished and rev. individual.

Subject dropped.

Yeomanry Cavalry (Scotland).] The Earl of *Haddington*, having some petitions to present, wished to call the attention of the House to the subject of the disbanding of the yeomanry cavalryinScotland, and more especially to the consequences of that measure as affecting the county of Fife. The riots at recent election had shown that there was a disposition to riot at great assemblages of the people in that country, when under the influence of political excitement; and in the town of Dunfermline, in Fifeshire, a populous manufacturing borough, a serious riot had recently taken place, arising, as he believed, out of the combination system. He was informed that the same system prevailed in other parts of that country. It was worthy of remark, that the occurrence to which he alluded at Dunfermline, had taken place on the very day when the notification was received in that town, that her Majesty's Ministers had determined to dispense with the further services of the yeomanry force. The result was, that the police being inadequate to suppress this riot, application was made to the civil and military authorities at Edinburgh, for the assistance of troops; and the riots were not quelled until the military were sent down. The noble Earl read an extract from a gentleman in Fifeshire, which stated, that the yeomanry of that county had existed since the beginning of the revolutionary war, and that they had been found in disturbed times, completely to answer the purpose for which that force had been instituted. In 1832, or 1833, after Bristol had been partially burnt down, when the yeomanry force had contributed essentially to the preservation of what remained of the city—after Nottingham had been partially sacked—after Edinburgh had remained for several hours in the hands of a mob, and was saved in a great degree by the efforts of the Midlothian yeomanry, now disbanded, Lord Melbourne, then Home Secretary addressed a most pressing dispatch to the late Lord Rosslyn, then Lord-lieutenant of the county of Fife, instructing him to address the loyal people of Fife, with a view to their reconstructing themselves into this description of force, which the unhappy state of the country rendered necessary for its security. Lord Rosslyn exerted himself to the utmost, and prevailed on the gentry, farmers, and loyal inhabitants of every description, to form themselves into a protective yeomanry corps. Their services were found most beneficial, and why were they therefore, now dispensed with? He (the Earl of Haddington) felt called on to advert to the conduct of a gentleman for whom personally he entertained the highest respect. The gentleman was extremely popular, and enjoyed the personal good will of individuals of all political persuasions. The individual to whom he alluded, and who was a Member of the other House of Parliament, had been chosen by her Majesty's Ministers, as a proper person to succeed Lord Rosslyn in the lieutenancy of the county of Fife. Immediately after his appointment, he showed himself so little disposed to encourage the yeomanry of Fife, that he refused to attend at the usual inspection as the representative of his Sovereign. And when, on a subsequent occasion, he was entertained at dinner by his constituents, he went the length of expressing his hope upon that public occasion, that the yeomanry force would be dismissed. To him (the Earl of Haddington) it appeared that there could be no stronger evidence of the dismissal of this force being attributable to political motives than the fact that this gentleman, who was a very eager and decided friend of her Majesty's present Government, thought it the most acceptable thing he could say to his Whig, and more than Whig, constituents, that he trusted the whole yeomanry force of Scotland would be disbanded. In his opinion, a greater error had never been committed by a Government than the dismissal of this useful force. In proceeding to that dismissal, they had acted, as it appeared to him, upon no ostensible grounds. What, he would ask, had taken place, since his noble Friend opposite had transmitted the despatch to which he had before referred, to justify this change? He felt perfectly satisfied that it was from political motives alone, the yeomanry force of Scotland had been put down. Why was that force suppressed in Renfrewshire, in which a large portion of Glasgow was situated? Why was it put down in Stirlingshire, which contained the populous and important town of Stirling? Was he to look upon this as the commencement of a system for getting gradually rid of the constitutional yeomanry force, and of supplying its place by another force, under the complete control of her Majesty's Government, a sort of gendarmerie all over England as well as Scotland? The only two counties where the yeomanry corps were not to be dismissed were those of Ayr and Lanark. He sincerely hoped that this measure would be reconsidered by her Majesty's Government, and that, at all events, if any of the disbanded corps offered to continue their services gratuitously, he hoped that it would be immediately accepted.

Viscount *Melbourne* said, that with respect to the observations in which the noble Lord had indulged upon the subject of the reduction of the yeomanry corps, he (Lord Melbourne) had no hesitation in declaring, that considering the present state of Scotland, and the whole of the circumstances respecting the advantage of retaining the services of this force, her Majesty's Government did think it consistent with the public safety and with the preservation of peace throughout that country to dispense with the services of the yeomanry force, and content themselves with the services of the ordinary force, which would no doubt be found sufficient. The noble Lord had observed, that from what had taken place on a recent occasion, it appeared that when anything arose to excite the public mind, or produce a fermentation of public feeling, a disposition to riot would exist; but he did not think that this possible source of dissension and tumult would afford a sufficiently strong ground for taking such permanent precautionary measures. It might be reasonably doubted whether upon election occasions the yeomanry would be the proper force to employ. He did not see how anything that Ministers had hitherto done, should have had any effect on the yeomanry of Fifeshire with regard to the exertion of their services in the suppression of the riot at a town in Fifeshire, to which the noble Earl had referred. A very serious doubt existed in the minds of many persons with respect to the policy of maintaining such a force, and the expediency of employing them in cases of domestic tumult; and this was the precise feeling which would explain the conduct of his hon. Friend, the Lord-Lieutenant of the county of Fife. A gentleman did not necessarily change his political opinions, because he became the Lord-Lieutenant of a county; nor did he change those opinions so as to make them in accordance with those of the Government of the day. Upon the occasion to which the noble Earl referred, his hon. Friend was asked to give his opinion upon the question, as a Member of Parliament. The Government had adopted this measure without the slightest reference to politics, and without the slightest intention to give offence to any of the members of the yeomanry corps; and he therefore must say, that the noble Earl had been rather hasty and premature in adopting an opposite conclusion.

The Earl of *Malmesbury* was not aware of what might be the opinion of other men on this subject, but he was well aware what were the opinions of a noble Friend of his who now sat opposite to him, when he held the seals of the Home-office in 1831, and he recollected perfectly well that it was at his noble Friend's suggestion that the corps of yeomanry, which was now reduced, was formed in the county in which he the (Earl of Malmesbury) resided. When the disturbances prevailed, before the yeomanry corps was established, there was one small town which was literally sacked, being in possession of the mob two days, and the riot was at last put down only in consequence of the gentry, farmers, and tradesmen, getting on horesback, furnished with such arms as they could provide at the moment, and encountering the mob, who were put down, not without difficulty, and he was sorry to say, not without bloodshed. If they had had that cheap, and he would add constitutional force, the yeomanry, no such thing would have happened. It was said that the yeomanry corps might be reduced, because the country was now in a state of tranquillity. He wished he could say that it was so entirely in a state of tranquillity as was supposed. Several laws had passed the Legislature of late years which had contributed to render the rural population anything but tranquil. The Beer Act had demoralised the peasantry more than any one measure which had ever passed, and to a certain extent the New Poor-law, as it had been carried out, had also had its effect. Undoubtedly that effect had been greatly exaggerated, but, to say the least of it, the law had not been carried out in a prudent manner. The new Game Act had also been attended with the most pernicious results. He would therefore urge his noble Friend to reconsider his determination. All that would be gained would be about 10,000*l.* or 12,000*l.*, just as much as was spent in one week to support that Auxiliary Legion which had gone out to Spain. It was the more impolitic to make this reduction now that so large a portion of the regular army was going out to Canada. At this moment there was but one regiment of cavalry doing duty from the Land's-end to Portsmouth and where he (the Earl of Malmesbury) lived they were forty miles distant from any military station. The South Hants Yeomanry were now all dismissed, while the North Hants were retained. But the eight troops reduced contained each fifty-four men, while in the five troops retained there were but twenty-nine men per troop. He repeated, therefore, that he hoped his noble Friend would reconsider his determination as it was not too late to recede.

The Duke of *Wellington* said, as Lord-Lieutenant of the county of Hants, he felt it his duty to inspect the yeomanry corps in that county — and as regarded the value and efficiency of that body, he entirely concurred in the view taken of the subject by his noble Friend who had just addressed the House. He considered this force the most efficient that could be had for the preservation of the internal peace of the country. He would venture to assert that the expense of the eight troops of Hampshire yeomanry cavalry, which had been disbanded, did not exceed 2,000*l.*; and he would also say, without hesitation, that the special commission which was issued to try the offenders in the south western part of England, had cost thirty times that amount; there having been, on that occasion, above 100 individuals capitally convicted. It was, indeed, lamentable that a district, comprising the New Forest, and the counties of Dorset and Wilts, should be exposed to the consequences that might result from the reduction of the yeomanry force for the purpose of effecting so paltry a saving. As Lord-Lieutenant of the county of Hants he had had no communication with the Government on the subject, and, therefore, was unaware of the measures they intended to adopt. He lamented the result at which they had arrived; but they adopted the course they had thought proper to pursue on their own responsibility; and all that he had done was, when he received the order for disbanding the eight troops, to carry it into execution.

The Earl of *Winchilsea* had expected the noble Viscount would have entered into some explanation of the principle upon which the Government had acted with respect to the dismissal of the yeomanry force. The noble Viscount, however, had not done so, and his opinion was, that party feeling had characterised these dismissals. And then with respect to the expense of these corps. Why, if the whole force had been retained it would not have cost half as much as was about to be expended on the mission of the noble Earl, whom he did not see in his place, to Canada. With regard to the argument of the noble Viscount, that the country was in a tranquil state, and that, therefore, this was a proper opportunity for sending these corps to the right-about; in his opinion that was the very ground upon which their services ought to have been retained for if they had not existed during the last twelve months, there would, he was satisfied, have been local disturbances in every part of the country. He must say, that, in his opinion, her Majesty's Ministers had some ulterior object in view in destroying this most constitutional force. He would trouble their Lordships with but one observation on the subject of the course pursued by the Lord-Lieutenant of Fifeshire, which was, that the opinion of that gentleman, as expressed regarding the yeomanry force of that county, ill became him, holding the situation which he did, which was one of great public importance, and which ought to have induced him to support the interests of the yeomanry cavalry. The country was greatly indebted to those individuals who had come forward in the county of Kent when it was in a disturbed state—when property was assailed by night and by day—when the law was set at open defiance, and who had enrolled themselves in that hour of danger in the yeomanry force. His impression was, that these corps were disbanded because the majority of them held Conservative opinions; and his belief was, that, in the regiment which he had had the honour to command, every individual composing it, except one entertained those opinions. During the period he had held that command he had felt it to be his duty to refrain from originating or attending public meetings in the county of Kent on great political questions, and he rejoiced that her Majesty's Government had deprived him of this command, and the Crown the services of his regiment. He said he rejoiced in this circumstance, because he was now free, and he had determined to become a great agitator in that county.

Petitions to lie on the table.

HOUSE OF COMMONS,

Tuesday, April 3, 1838.

MINUTES.] Petitions presented. By Mr. JAMES, from places in Scotland, against further Endowment to the Church of Scotland, and for the establishment of additional Schools in the Highlands.—By Mr. KINNAIRD, from Perth, for the abolition of Negro Apprenticeship, and for Morning Mails to be established to Scotland.—By Mr. HUTTON, from gentlemen who had served the office of Grand Jurors in Dublin, for a change in the mode of preparing Criminal Indictments.—By Mr. GROTE, from a place in Perthshire, against additional Endowments to the Church of Scotland.—By Sir R. INGLIS, from Birmingham and Banbury, against the suppression of the Bishopric of Sodor and Man.—By Captain WEMYSS, from Fife, against Negro Slavery, further Endowments to the Church of Scotland, and the Corn-laws.—By Mr. WILBRAHAM, from Congleton, against the Small Tenements Bill.—By Mr. FINCH, from the Mayor and Aldermen of Tenby, for a lower rate of Postage.—By Lord DALMENY, from several places in Scotland, by Mr. R. STEUART, also from several places in Scotland, for the immediate abolition of Negro Apprenticeship.—By Mr. GILLON, from Falkirk, Kilbride (Ayrshire), Kincardine, Bathgate, and other places, against any further Endowments to the Church of Scotland; and from Linlithgow, against the Highland Schools Bill.—By Mr. C. LUSHINGTON, for the immediate abolition of Negro Apprenticeship.—By Mr. HUME, from a Gentleman in the Fleet Prison, praying the House to institute an inquiry into the non-distribution of the Deccan Prize-money.

CHURCH PROPERTY.] Colonel *Sibthorpe* was sorry that he did not see the Secretary for the Home Department in his place; but though he was not present he could not have any hesitation in moving " That a return of the present valuation, as far as can be ascertained, of all the property, in lands, manors, forests, liberties, or of any nature whatsoever, which originally belonged to the several monasteries, abbeys, chapelries, or other religious houses, which, under various pretexts, and for other purposes than those for which they were established and endowed, have been from time to time alienated from the service of the Church; also a return of the names of the individuals to whom, and the periods at which, such were granted, and by whom they are now severally enjoyed." He thought it was high time that some Member should rise and defend the Church Establishment. He trusted the noble Lord would not shrink from any inquiry into these matters. Edmund Burke had said of that noble Lord's ancestor, the Duke of Bedford, that the grants to the house of Russell from the Church lands were not only outrageous to the Church, but absolutely staggered credibility. He had taken great pains to ascertain the exact amount of property which had been alienated from the Church—in fact, of which the Church had been robbed. In making calculations he had to rely chiefly upon historical records, and he believed that such alienated property would be found to amount to no less a sum than 938,308,000*l.* Where was the hon. Member for Kilkenny? Why did not that hon. Member take up this subject? He was sorry that he did not see the noble Lord, the Member for Stroud, or the right hon. Gentleman the Chancellor of the Exchequer in their places, but he hoped that no opposition would be given to this motion by the hon. and learned Gentleman, her Majesty's Attorney-General.

The *Attorney-General* said, thatthe only reply which he could give the hon. and gallant Officer was, that it would be impossible to furnish the returns which he had moved for. The hon. and gallant Officer had not suggested to whom the orders for these returns were to be directed. They would go to every landed proprietor in England or Wales, and it would be necessary to search titles for a period of three or four hundred years back to see whether or not their estates ever belonged to the Church, and, having done this, to ascertain when they were granted from the Church, and to whom. On a moderate calculation at least fifty thousand orders should be issued by the House, and at least one million of titles examined. He supposed that the motion of the hon. and gallant Officer was intended merely as a piece of pleasantry, and to amuse the House. He should not have thought it necessary to say anything in replying to the motion of the hon. and gallant Officer if it had not been suggested to him by his noble Friend (Lord Morpeth) that he ought to explain to the House what its nature really was. He begged that the hon. and gallant Officer, seeing the utter impossibility of furnishing these returns, would consent to withdraw the motion.

Colonel *Sibthorp* could assure the hon. and learned Gentleman that if the hon. and learned Gentleman supposed that he came there to waste the time of the House, or to amuse it, he was totally mistaken. He trusted that none of those alluded to by the hon. and learned Attorney-General, had had their title-deeds in the late fire in the Temple. He treated the observations of the hon. and learned Gentleman with the most sovereign contempt—and he was surprised that they should have fallen from one holding such a situation.

Motion negatived.

CATHOLIC FUNERALS IN LONDONDERRY.] Sir *R. Bateson* rose, in pursuance of his notice, to bring under the notice of the House certain circumstances which had created such a sensation among the Protestant inhabitants of the city of Derry as rendered the interference of Parliament necessary. On Sunday, the 14th of January, 1838, at the hour of three o'clock in the afternoon, the funeral of a Roman Catholic lady took place in the churchyard of the cathedral of Derry. She was a Roman Catholic, and notice was previously sent to the sexton of the cathedral that her friends intended to bury her there, and that two Roman Catholic priests would attend the funeral in their robes. This was communicated to the Dean of Derry, and he immediately sent word to the parties that he would not allow a Popish funeral to be celebrated in the churchyard of the Protestant cathedral of Derry. Notwithstanding this peremptory refusal on the part of the Dean, the funeral took place, and two Roman Catholic priests, the Rev. Mr. Monaghan and the Rev. Mr. Dempsey, came to it in their robes. When the nearest relation of Mrs. Cathcart heard that the funeral was to take place in this manner, contrary to the wishes of the Dean of Derry and the rest of the Protestant inhabitants of that town, he said, that if such an attempt were made, he for one would not attend the funeral. He held in his hand a copy of the informations, which were sworn the next day before the mayor of Derry by the sexton of the cathedral and another individual, who made affidavit that the funeral then took place in the churchyard, against the wishes of the Protestant clergy and of the officers of the cathedral; that the Roman Catholic priests attended in their robes; that all the ceremonies usually observed at Roman Catholic funerals took place; that they consecrated the clay, said certain prayers in Latin, celebrated the mass, and went through all the Catholic rites for the burial of the dead. The Dean of Derry wrote, on the 16th of January, to Mr. Drummond, giving him an account of all this transaction, and calling upon the Irish Government, through him, to punish the gross infringement of the law, and the daring breach of the statute, which had taken place on the 14th. On the 27th of the same month, an answer was sent by Mr. Drummond to the Dean, stating, that he had consulted the law officers of the Crown, meaning thereby the Attorney and Solicitor-General, and that he had received from them an opinion declaring, that the parties against whom the Dean complained, had not been guilty of any breach of the Act of 10 George the 4th, cap. 27, sec. 6. That opinion he afterwards discovered, was founded upon the assumption that the Dean of Derry had granted permission for this Popish funeral to take place. Now, was not that a most extraordinary assumption, after the Dean had written to Mr. Drummond complaining that, in the churchyard of his cathedral, an infraction of the law had taken place? It was an Irish assumption to say the best of it, but came with very bad grace from the Irish Attorney-General, seeing that that learned officer was himself a Roman Catholic. The Dean of Derry, on receiving that letter, instantly, and in the most decided manner, wrote to Mr. Drummond, contradicting the assumption that he had given any, the slightest countenance to the performance of a Catholic ceremony in a Protestant churchyard; and after a lapse of three weeks, he received another letter from Mr. Drummond, communicating to him that the law officers of the Crown considered, that the transaction of which he had complained was a breach of the statute, and that the two Roman Catholic priests who had attended the funeral in their robes had made themselves each liable to a penalty of 50*l.* At the time when all this took place the Bishop of Derry was absent from his diocese, and resident in Dublin, and he (Sir R. Bateson) had the authority of that right rev. Prelate to state, that no leave had been given by him or by any clerical officer under his control, to celebrate that Popish ceremony in a Protestant churchyard. That right rev. Prelate went to Mr. Drummond in person. Whether the complaint which he had then made was of more weight than the complaints of the Dean and the other Protestant inhabitants of Derry, he could not tell; but certain he was, that, six weeks afterwards, the law officers of the Crown said, that the proceedings of these Roman Catholic priests constituted a distinct breach of that statute. It was not the wish either of the Dean of Derry or of the Protestant inhabitants of that city, who had taken up this cause, to inflict any severe punishment on those who were guilty of that outrage, provided they were sure that they would not be guilty of a repetition of it. Whether what was stated in the papers was true or not, he did not know; but it had been asserted, that Dr. M'Loughlin had written to Mr. Drummond, stating, that his clergy had not been guilty of that outrage. Dr. M'Loughlin, the titular Bishop of Derry, who was respected by all who knew him, was in a state of decrepitude from ill-health. He had no power over his clergy, but was completely in the hands of his coadjutor and namesake, Dr. M'Loughlin. But Dr. M'Loughlin, the coadjutor, had been guilty of that outrage, because he had not exercised the power which he had over his clergy in preventing it. If a similar offence should be repeated, he was certain that it would lead to riot and tumult, if not to bloodshed, in the city of Derry. There was no city in Ireland in which the Protestants felt such reverence for the bones of their ancestors, as the citizens of Derry did; and it appeared to them to be a gross insult to the memory of their brave ancestors to have these Popish ceremonies celebrated even in the presence of their remains. There was no occasion, he would add, for so gratuitous an insult: for the Roman Catholics of Derry had their own burying-ground and their own chapel, and until the last few years had lived on the very best terms with their Protestant fellow-citizens. The Protestants, however, felt that the transaction which he had just described, was an outrage upon their religion, and they called upon the Government to make the Roman Catholics feel the enormity of it, and to have such proceedings checked for the future. But was this all that the Protestants of Derry had to complain of? No. On the anniversary of the shutting of the gates of Derry, they had to complain that a Captain Robinson had entered their city at the head of an armed force, contrary to the chartered rights of the city, and had prevented the apprentices from shutting the gates. For such an outrage they had obtained no redress. All this made the Protestants of Derry feel that they had not had justice dealt out to them by the Members of her Majesty's Government. Would it be credited, that the apprentice boys of Derry had been brought up to the bar of a court of criminal justice for celebrating the successful defence of that city by their ancestors, and of that Protestant constitution which was now the recognised constitution of England? Yes, for no greater an offence than that they had been tried, convicted, and imprisoned. Their sentence was not commuted—their punishment was not mitigated. He thought that if they were brought to the bar of criminal justice, so also ought the Roman Catholic clergymen who had appeared in their robes in a Protestant churchyard to celebrate a Popish funeral. He could not conceive any justification for such conduct as that of which they had been guilty. His constituents felt sore on this subject, and demanded an explanation from the Government. In order to give the Government an opportunity of making that explanation, he should now move "for copies of the correspondence that took place between the Irish Government and the law officers of the Crown with the Dean of Derry, and with the rev. Messrs. Monaghan and Dempsey, Roman Catholic priests in Derry; and also with Dr. M'Loughlin, titular bishop, and with Dr. M'Loughlin, coadjutor to the same, in Derry, relative to a breach of the law committed by certain persons in the churchyard of the cathedral of Derry on Sunday, the 14th of January, 1838."

Viscount *Morpeth* said, that with one exception, he had no objection to the production of the documents for which the hon. Member had moved. It was not usual to produce the opinion of the law officers of the Crown, and he therefore trusted that the hon. Member would omit from his motion the words, "law officers of the Crown." With that omission, he had no objection to the motion. With respect to the case itself he had no hesitation in saying, that the proceeding in question was a most improper, a most unauthorised, a most indelicate, and, he must add, a most illegal proceeding. When it first came under the consideration of his hon. and learned Friend, the Solicitor-General for Ireland, as it did not appear that the performance of these funeral rites, had been celebrated without the permission of the clerical officers authorised to give it, it was assumed that that permission had been given. The delay which had taken place in answering the representations made to the Irish Government was owing to his absence from Dublin, and to the despatches having followed him from Ireland to this country. When it appeared to him that the intrusion of these Roman Catholic clergymen into the consecrated ground of the cathedral of Derry, was without the permission of the dean, the law officers of the Crown immediately declared their opinion as to the illegality of their proceedings. He did not understand the Dean of Derry to have expressed any wish that any prosecution should be instituted against them. What he called upon the Government to do was, to prevent the inhabitants of Derry from being annoyed by a repetition of it. The Irish Government thought that this would be best done, by pointing out the indelicate and illegal nature of the proceeding, and by warning the parties that it should not be repeated without exposing them to severe and summary punishment. Accordingly, a letter had been sent to Dr. M'Loughlin, informing him of the enactments of the law, and warning him and his clergy against any repetition of the offence. The Irish Government had received a communication from Dr. M'Loughlin that no such proceeding should occur again within his ecclesiastical jurisdiction. The right hon. Baronet had said, that the titular bishop was not authorised to make any such declaration as he had done. He (Lord Morpeth) was not sufficiently acquainted with the ecclesiastical discipline of the Romish Church in Ireland, to know whether that was the fact or not. The Irish Government thought that the Roman Catholic bishop had a right to communicate with it, and the Dean of Derry had called at the castle and had expressed himself satisfied with what the Government had done. With respect to the invasion of the chartered rights of Derry, by a stipendiary magistrate, he had only to say, that it had been made in consequence of the representations of the Protestant inhabitants that they feared some outbreak on the part of the apprentice boys. The Irish Government had, in consequence, sent a small detachment of the police to Derry to preserve the peace, but with no other motive whatsoever.

Mr. *O'Connell* said, that it was quite ludicrous to call a proceeding like this, an outrage upon Protestant feelings. What were the facts? An old woman had died. She was buried in the open churchyard. Two Roman Catholic priests went to her grave in their robes. They said the prayers of the Church over her corpse. There was no riot, no tumult in their proceedings, and yet, because their prayers were uttered in Latin, the whole course of their proceedings was styled an outrage. Was not this making a mountain of a mole hill? The hon. Baronet had told the House, that at three o'clock in the afternoon mass was said over the corpse of this old woman. Now, it was a pity that the hon. Baronet should be so little acquainted with the religious principles and practices of the neighbours amongst whom he lived, as not to know that mass could not be celebrated at that hour. Either the hon. Baronet had read his affidavits wrongly, or his affidavits stated what did not, and what could not, take place. But it had been said that this was a trespass on the parson's freehold. But this poor woman on the payment of her fees, had a right, if she pleased, to be buried in that freehold; and it had not been said yet that she had ever refused to pay them. By the statute of easement of burial a penalty of 50*l.* was imposed on any Roman Catholic priest who said prayers in the churchyard without the permission of the incumbent. Instead of seeking to recover this penalty himself, however, the Dean of Derry wrote a letter to the Castle, demanding a prosecution by the Government. Was this judicious conduct? Ought not that clergyman to have recollected the principles on which it had been announced that the government of Ireland was in future to be carried on? The Dean of Derry, however, actuated by a better feeling, had afterwards abandoned the complaint; and he could wish that the hon. Baronet had followed his example. Even in their graves, the Roman Catholics of Ireland were not free from religious animosity. Would the bones of the Protestants of Derry lie worse, because those of old Mrs. Cathcart lay among them. It would have been a much more sensible course in the Dean of Derry, if, instead of writing to the Irish Government, he had remonstrated with the Roman Catholic clergymen, and threatened to prosecute if the trespass were repeated.

Mr. *Colquhoun* remarked, that an occurrence like the present, of a kind quite unprecedented was very likely to produce angry feelings between the Catholics and Protestants, and the Dean of Derry had only done his duty in acquainting the Government with the particulars of the transaction. The Protestant apprentices of Derry had been prosecuted with great promptitude by Government on a late occasion, for closing the gates of the town, in infringement of the Procession Act, and punished for the offence. Instead of acting with fairness on the occasion referred to by the hon. Baronet, Government had avoided all cognizance of the facts, and all enforcement of the law to the utmost extent in their power; and when the facts were forced on their notice, they had entered into a secret and stealthy compromise with the person who was the head and front of the offending.

Mr. *Hume* thought the Government deserved the greatest praise, instead of blame, for quietly settling an unfortunate difference.

Mr. *Plumptre* said, in his opinion, Government had acted with the greatest partiality. The offences of Protestants connected with religion, were punished summarily and heavily, while those of Catholics were in a great measure passed over.

Captain *Jones* thought, the occurrence laid before the House was not only a breach of the law, but a gross sacrilege.

Sir *E. Sugden* observed, that the act alluded to by the hon. and learned Member for Dublin, had been passed to preserve peace between the Protestants and Catholics, by preventing collisions in the churchyard where burials took place, and ought, therefore, to be enforced with peculiar strictness. As the titular Roman Catholic bishop was present to set an example of breaking the provisions of the act, he did think the case required the gravest consideration on the part of Government. The hon. Baronet was certainly quite justified in bringing it before the House.

Sir *G. Sinclair* said, that continual encroachments were made by the Irish Roman Catholics, on the rights and privileges of the Protestant Church, and it was proper that public attention should now and then be directed to the spirit manifested by them. That spirit convinced him that nothing would satisfy them but the destruction of the Protestant Church, and the substitution of the Roman Catholic establishment in its room.

Viscount *Morpeth* said, as to the charge of partiality, this case was of an entirely novel and unprecedented nature, while the case of the Derry apprentices recurred annually, and had been made the subject of an act of Parliament. He regretted that hon. Gentlemen opposite were so much less easily pleased than the person who made the complaint.

Sir *R. Bateson* remarked, that the noble Lord had not made the shadow of an attempt to defend the outrage, as he must still call it. He had no objection to omit from his motion the words requiring the opinion of the law officers of the Crown, since that was contrary to the usual custom.

Motion agreed to.

JAMAICA.] Mr. *Scarlett* moved for a copy of any communication from the Colonial Office to the Marquess of Sligo, the Governor of Jamaica, directing the sudden emancipation of the apprentices upon the estate of Philip Anglin Scarlett, Esq., and for copies of any other documents relating to that transaction. The hon. Member said, the slaves on the estate of this gentleman had been declared entirely free, and discharged in consequence of some defect in the registration. The labourers had abandoned it, and left it entirely uncultivated up to the present time. Mr. A. Scarlett had suffered in the rebellion of 1830, having fled before the insurgents for his life, with the loss of all his property. However, he had settled on another estate, where, by an accident by fire, he a second time, lost his all, and was utterly ruined. Nothing but his buoyancy of spirits enabled him to rise above these repeated calamities, and the present motion related to no fewer than 107 negroes, who he complained had been illegally and unduly declared free. Without expecting much advantage from a complaint to the House of Commons, yet this was the only course open to him. Government appeared to have neglected the course pointed out to them by the law on this subject. A special magistrate had repaired to the estate, without, he believed, any notice to the proprietor, assembled the negroes and declared to them that they were free. They thanked the governor, and thanked their master; but declared they would continue to live with him, and labour for him, which they continued to do for some time; but such is the fickleness of the race, that just before the cropping season they left him, and the crops were, in consequence, wholly lost and wasted. The ground on which the manumission took place was, that the negroes were not duly registered. Now he contended, that they were duly registered according to the act 59, George 3rd, c. 120. They had been registered (as slaves) in 1816, and up to 1832; and that his opinion was correct, and that they were registered within the meaning of the Abolition Act, was confirmed by a decision of the Privy Council. It must be observed that no intention was ever imputed even to the proprietor of wishing to evade the registration; there was no fraud whatever in the transaction. Mr. Scarlett, the petitioner, complained of a great grievance, the amount of which was, that injustice had been done to him in consequence of Government having undertaken to enforce their own views of the law. In the motion which he had felt it his duty to make, he had no intention of making an attack upon her Majesty's Government. On the contrary, he thanked them upon the part of the petitioner, for enabling him to defend his just claims to his property. He did not, for a moment, suppose that Lord Glenelg himself would do anything harsh or oppressive; but he thought that a certain kind of influence was exercised in the Colonial Office, which was both injurious to the colonies and prejudicial to this country. The hon. Member concluded by moving for copies of any communication from the Colonial Office to the Marquess of Sligo, the Governor of Jamaica, directing the sudden emancipation of the apprentices, upon the estate of Philip Anglin Scarlett, Esq., and for copies of any other documents relating to that transaction.

Sir *G. Grey* was at a loss to know what object the hon. Gentleman had in view in the motion which he had made. The facts occurred so far back as 1835, and could not, of course, be fresh in the recollection of hon. Members. The case was simply and entirely one of law, turning upon the construction of the Slave Emancipation Act. The noble Governor of the island of Jamaica had taken the step complained of in accordance with the opinions of the law officers of the Crown. He could not understand what the hon. Gentleman meant by bringing the case before Parliament at a time when parallel and corresponding cases were under the consideration of the judicial Committee of the Privy Council upon appeal from the courts of Jamaica, and after all the House had lately heard as to its incompetency to decide upon abstruse points of law. The case was shortly this:—In the spring of 1835 the Marquess of Sligo, then Governor-General of the island of Jamaica, brought under the consideration of the Secretary of State for the Colonies a question which had been raised there upon the construction of the Act of Parliament, as to whether or not the slaves which had been registered in 1832, and had not been registered in 1835, came within the provisions of the Emancipation Act. The law officers of the Crown having the question submitted to them, were of opinion that the slaves ought to have been registered triennially, and that in cases where that had not been done, they were entitled, under the provisions of the Act, to unconditional freedom, and the Government would not be justified in compelling them to continue to submit to a continuance of slavery. Acting upon this advice, the Marquis of Sligo set the slaves upon the estate of Mr. Scarlett free. Under these circumstances, he could not consent to the production of the whole of the papers in the Colonial-office upon the subject, as there was no order for the liberation from the Colonial-office. He had no objection to the production of the Jamaica papers, which he thought would answer the hon. Gentleman's object.

Mr. *Scarlett* replied. The want of registration was entirely a mistake, for which a man ought not to lose a large portion of his property.

The *Attorney-General* observed, that in Jamaica the fault of non-registration lay entirely with the owners of the slaves, and not with the returning officer.

Papers, as suggested by Sir George Grey, were ordered.

REPEAL OF THE SOAP TAX.] Mr. *Gillon* would shortly state to the House the reasons which induced him to bring under their consideration his motion for the total abolition of the tax upon Soap. The chief reason was, that that important branch of their manufactures had lately fallen into a state of decline and decay. He knew how unpalatable long statements of figures were to the House, and he should, therefore, endeavour to state, as simply as possible, the alteration which had taken place in the manufacture of that article since 1833, the year when a reduction of one-half was made in the tax upon the proposition of Lord Althorp. In 1833, the quantity manufactured was 154,579,990lbs.; in 1834, 154,260,000lbs.; in 1835, 160,374,000lbs.; in 1836, 159,038,664lbs.; and in 1837, and up to the 5th of January, 1838, it was 152,114,157lbs.; exhibiting a decrease upon the gross quantity in 1837, as compared to 1836, of five per cent., and as compared to 1835, of nearly seven per cent.; upon the net quantity of soap imported into Ireland and foreign countries there had also been a decrease of ten per cent. Great, however, as that decrease was, it would have been much greater if it had not been for a sudden and accidental demand for the commodity in October last. The effect of the heavy pressure of taxation, and the extent of competition by the smuggler were such as nearly to ruin the soap trade in some parts of the kingdom, and nearly to drive it altogether out of others. In the year 1830 there were 148 towns in which the manufacture was carried on. At present the manufacture was continued only in eighty-three towns. Of course, this diminution of the trade produced a corresponding effect on the amount of the revenue derived from it. In the year 1835 the tax on soap amounted to 781,795*l.*; in 1836 it was 748,795*l.*, being a reduction of four per cent. as between the years 1835 and 1836, to which was to be added a further reduction of three per cent. in last year as compared with the year before. He could show that this arose from the great extent to which smuggling was carried. He had said, that the trade was driven out of some towns. In some of those in which it still remained it was little more than nominal. There were in the country thirty licensed soap-manufacturers, none of whom paid 50*l.* a-year to Government in duties, and yet they were obliged to pay 4*l.* a-year for the licence. In the town of Chippenham only 157lbs. of soap had been manufactured last year. This arose from a large portion of the quantity consumed being supplied by smugglers. Formerly there were great difficulties in the way of the smuggler, so that he could hardly carry on the contraband trade to any extent without great risk of detection; but now they could manufacture as the regular trader without leaving any trace by which they could be discovered. Great facilities were afforded to the contraband trade in candle manufactories. There were 3,000 of these in the country, and from the fact of there being no excise survey in those manufactories, the contraband trade in soap might be easily carried on, and it was, he believed, so carried on in many of them. The trade had in its nature difficulties enough to contend with besides those superadded by heavy taxation and consequent competition by smuggling. Its materials were very dear, and the cost of labour cheap, as compared with many other articles of manufacture. Amongst the many baneful effects which the heavy tax had produced, might be mentioned the want of improvement in the mode of manufacture. It was the same now as it had been in the reign of Queen Anne. It was, besides, exposed to great hardship and annoyance, from being subject to the regulations of complicated laws, for even the unintentional breach of which the manufacturers were exposed to severe penalties. No encouragements were held out to experiments by which the mode of manufacture might be improved, for the materials used in making any such experiment would be charged, whether the experiments were successful or not; one effect of this was, that we were far behind the French in this branch of manufacture. Another injurious effect of the tax was that it deprived the country of a lucrative source of foreign commerce. We were driven out of the South American market for this article by the North Americans and the French in the apparatus which we used, for we could not make soap out of the vegetable oils as well as they could. Another objection to the tax was, that it was partial in its operation. The tax did not extend to Ireland. He was as anxious as any man that Ireland should share in all the advantages enjoyed by other parts of the kingdom; but he saw no reason why that country should be exempted from any taxes imposed on the people of England. It was also a strong ground of objection to the tax, that it was unequal in its pressure. It pressed most heavily on those who were least able to bear it, and with least severity on those who could best afford it. In a word, it fell heavily on the poor, whilst its pressure was not felt on the rich. The direct duty on soap was 14*l.* per ton, and the indirect might be rated at 3*l.* more; so that on a ton of soap, the price of which was 40*l.*, there was a tax to the amount of 17*l.* The duty did not vary with the quality of the article. It was 17*l.* on that of 40*l.* the ton, and was no more on the highest quality of soap, which might cost 100*l.* the ton. It was not necessary for him to point out to the Chancellor of the Exchequer how best he could supply that amount of revenue which the abolition of this tax would take away; but he thought that a very large proportion of it might be supplied by the removal of a very large part of our excise board and establishment. It was unnecessary now for the objects for which it had been originally instituted. A few years ago the expense of collecting the revenue in that department was between 2*l.* and 3*l.* per cent., but in 1835 it had risen to the enormous amount of 6*l.* 16*s.* per cent., and this on only ten articles of excise. That department was now relieved from the collection of duties to the amount of 18,000,000*l.* It was relieved from the payment of drawbacks to the amount of 1,700,000*l.*, so that its present duties were comparatively light. If the establishment were reduced, as it might be, and without any inconvenience to the public, the Chancellor of the Exchequer might effect a saving to the amount of 450,000*l.* This was not his opinion alone; it was also that of the Commissioners of Excise Inquiry. Those Commissioners were also of opinion that if half the soap-tax were reduced, the increased consumption, and the putting down the contraband trade, would make more than the difference to the revenue. He had now shown that the effect of the tax and of its consequence—the smuggling had caused the trade generally to decline; that it greatly interfered with the industry of the country; that it was partial in its application and unequal in its pressure, falling with great severity on the poor, and but lightly on the rich. On these grounds he thought he had a right to call on the right hon. Gentleman to consent to its abolition. But he had also another ground, in showing a source from which it could be supplied. The hon. Gentleman concluded by moving the total abolition of the soap-tax.

The *Chancellor of the Exchequer* said, it would be unnecessary for him to detain the House for any time, as the subject had been so frequently discussed before. He could not accede to the motion of the hon. Member for Falkirk, who proposed to reduce a tax that brought 700,000*l.* or 800,000*l.* into the treasury, without providing any substitute to make up for so great a loss of income. Was the revenue, sufficient, he would ask, to enable that House to forego so large a sum? If it were, then it might be well for the House to consider the propriety of reducing or abolishing this tax, but several other taxes should also be taken into the consideration of hon. Members. However, in the present state of the revenue it was impossible to entertain the question for a moment. Let hon. Members look to the statement of the last quarter's revenue as published in the *Gazette*, and they would find, that there was an actual deficiency of income compared with expenditure of 655,000*l.*, and in such a state of things it was impossible for the House to submit to a sacrifice of 800,000*l.* It had been remarked that this was not a party question. He was fully aware of the fact, and had perfect reliance on the support of hon. Members opposite, in refusing to grant a reduction that would be so injurious to the interests of the country. The hon. Member who brought forward this motion had excluded from his general argument the fact, that whilst other taxes remained the same as during the war, one-half of the tax upon soap had been remitted in 1835, and the tax now was the same as it was a century ago. In 1782, the tax was 1½*d.*, afterwards it was increased to 3*d.*, and subsequently it was reduced to 1½*d.* The manufactuurers of soap, therefore, had not much to complain of, and he trusted the House would not acquiesce in the abolition of this tax, without which the Government could not conduct the public service. The hon. Member said, that if Government would reduce their expenditure, the revenue would not suffer by the reduction of this tax. The Government had a more direct interest in the reduction of expenditure than the House of Commons, and he could confidently say, that since he had had the honour of filling an official situation he had made every exertion to reduce the expenditure of the country, but that House generally thwarted the intentions of Government. The hon. Member said, let the excise be reduced. Now, it so happened, that when reductions in the salaries of the officers of excise and customs had been proposed by the Government the House had opposed their recommendation. The excise officers in the performance of their duties had not been guilty of any want of courtesy as was generally attributed to them, and he maintained that the majority of excise prosecutions were on the recommendation of the manufacturers, for the purpose of defending the honest tradesman. He admitted, that this was a decreasing tax, and consequently deserved the consideration of the House, but he could not agree with the hon. Member for Falkirk, who attributed the decrease to smuggling, or a neglect of cleanliness amongst the people. He was rather inclined to attribute it to the very general substitution of soda for soap in washing. He would tender an engagement on the part of the Government to simplify the excise laws, and make that clear and distinct which was before liable to doubt, as far as it could possibly be done; but he was not in a position at that moment to propose any reduction of duties. He hoped the hon. Gentleman would not persist in a motion which tended to deprive the Government of the means of fulfilling their actual engagements; but if the hon. Gentleman did, he must meet it with a distinct negative, on the ground of the public benefit at large, and he hoped the hon. Gentlemen opposite would support him in doing so.

Viscount *Sandon* said, that he could fully enter into the feelings of the right hon. the Chancellor of the Exchequer upon his opposition to the motion of the hon. Member for Falkirk; for it was impossible, in the present decreased state of the revenue of the country, to propose a total abolition of the duty on soap; but, at the same time, he was not altogether satisfied that something not very far short of a total abolition would be a great relief to the manufacturers, without causing any material injury to the public revenue. If it were reduced, the consumption, and consequently the revenue, would be increased. In his opinion, the present high duty could not be long maintained, for since the year 1833, 3,000,000 pounds of soap had been brought to charge less than in that length of time preceding, notwithstanding the increase of the raw materials, and this could only have been occasioned by smuggling. He would suggest to the right hon. the Chancellor of the Exchequer to follow out the recommendations of the Commissioners of Excise Inquiry as to the manufacture of soap, which had lain unnoticed for the last three years, and would just mention a most remarkable fact, that at present the retail trade of London was for the greater part not supplied by regular, but by clandestine, manufacture, proving the extent to which smuggling was carried on. He thought a reduction of thirty-three per cent. might be made without any loss, and he should therefore move as an amendment, that the present duty on soap be reduced by a third.

Mr. *Benett* must vote against the present motion, but could not give a silent vote lest it might be thought if he did so, that he had changed his opinions upon this most mischievous tax. He had always looked on this tax as a restraint upon the health and comfort of the poor, and that it ought to be repealed; but when he had formerly voted for the abolition of it, there was an excess in the expenditure of the country, which might have been so reduced as to meet the consequent deficiency in the revenue. The house-tax might have been retained in preference, as it was felt chiefly by the rich, but the soap-tax fell principally on the poor. He certainly thought that a reduction in the duty might restrain smuggling, and not be a loss ultimately to the revenue, but he was not competent to judge what might be the effect of the noble Lord's amendment. If the Chancellor of the Exchequer ever obtained a surplus, he ought to consider this as one of the first taxes to be repealed. When he (Mr. Benett) sat on the Opposition side of the House, he had felt the great necessity which there was for reduction in the expenditure, and had then voted for a repeal of this duty, in order to compel the Government to reduce their outlay, and he must certainly admit, that he had done this without considering whether there was any surplus or not; but let them look at that time and the present, and see the great reduction which had been made by those who now sat on the Ministerial side, and it would be clear to every one that they could not approve of the present motion. There was not now the same field for reduction as at that time. After the vast reduction that had been made, it would not be easy to meet an extra deficiency of 800,000*l.* With this explanation, he avowed his intention of voting against the motion.

The *Chancellor of the Exchequer* could not allow the present motion to go to a division without making one or two observations on the amendment of the noble Lord. He had in no way been prepared for it, for he had come to the House to discuss the motion of the hon. Member for Falkirk, and had received no notice whatever of the amendment which had been proposed. He felt that he should not discharge his duty if he did not call the attention of the House to the motion of the noble Lord, and to the consequences of it, and the principles which it involved. The noble Lord said, that on the authority of the Commissioners a reduction might be made in the duty, and that although the first year there might be but little increase of consumption, it would afterwards become so great as to supply the deficiency of the duty in consequence of the reduced rate. Now, he would ask the hon. Gentlemen opposite, who had cheered this proposition, whether they were prepared to try the experiment when there was so great a deficiency in the revenue as had been the case in the last year? When there was a surplus it might be tried, but would it be just to do so at the present time, when the consequence must be, that if it turned out unsuccessful, many of the public engagements must remain unsatisfied from the decreased revenue? When he had reduced the duty on glass, it was said, why did he not repeal the whole duty, for by leaving a third of it he left the frame of the tax, and the manufacturer was still exposed to the oppression of the excise. That might be said in this instance, and as he considered that the motion and amendment were the same in principle, he should certainly oppose them.

Mr. *Hume* had never supported any proposition that he thought would endanger public credit; and if he were of opinion that the reduction of this duty would have that tendency he would not vote for it. When, three years ago, the duty on soap had been reduced one-half, there was not that proportionate increase in the amount of soap on which duty was paid as might have been expected. It was plain that the deficiency arose from smuggling. The question was whether, by an additional reduction, a stop would not be put to smuggling, and thereby, eventually, a greater amount of revenue be paid into the excise? When the duty on whisky was reduced from five shillings to two shillings and sixpence a gallon, it was predicted that the revenue would greatly suffer. What was the fact? That the very first year after the reduction of duty the revenue on whisky increased fifty per cent. in amount. No man who had read the report of the Commissioners with attention could fail to remember their statement, that it was clear that the small traders in soap were principally supplied by smugglers. Was it not advisable to make an experiment, the effect of which would be at once to put an end to smuggling, and to do justice to the fair trader? With a deficiency in the revenue of 500,000*l.* or 600,000*l.* it would not do to repeal the duty entirely. At the same time, he thought for the interests of the community, that a reduction ought to be made in it, and the amendment of the noble Lord should therefore have his support. He contended, that the reduction of the duty would not diminish the revenue to any important extent; while by the consequent cessation of smuggling, the fair dealer would no longer be exposed to a most injurious competition. The right hon. Gentleman declared, that the Government had endeavoured as far as possible to keep down the expenditure; but did he mean to say, the civil list was as economical as it might be, or that the naval and military establishments of the country were not at the present moment the same as during the administration of the Duke of Wellington? In point of fact, his hon. Friend (Mr. Benett) was quite mistaken in supposing that he was supporting an economical Government. The Ministers could not justly allege that they were taken by surprise on this question, for the Commissioners of Excise Inquiry had already expressed their opinion, that the duty might, with advantage, be reduced.

Mr. *Hawes* regretted to hear, that the amount of the establishments of the country would not allow of any reduction of taxation; for he had hoped that the policy pursued towards Ireland, might have led to a diminution of the army, and that the saving thereby effected, would have been sufficient to cover any deficiency, which might be caused in the revenue by a remittance of taxes. He thought, too, that an increased revenue might be derived to the country from an improvement of the mercantile policy, which had, he was sorry to say, been greatly neglected hitherto. He agreed with the hon. Member for Kilkenny in his statement, that the present was not a new question, for it had for some time been pressed on the consideration of the Government. With respect to the duty on soap, he knew that but one opinion prevailed in the trade—viz., that it could not be justly and equally enforced. This was also the opinion of the Commissioners of Inquiry, and what, he should like to know, was the use of appointing a competent Commission, if their recommendations were to be set at nought? The question for the House to consider was, whether the Commissioners of Inquiry, who were in favour of a reduction of duty, were not more worthy of confidence on this subject than the right hon. Gentleman, the Chancellor of the Exchequer? With respect to the conduct of the Board of Excise, he believed that they frequently disregarded communications made to them from the trade, and that it was the policy of the board, not to communicate directly with the manufacturers, and without direct communication, it was impossible for them to obtain any practical knowledge.

Mr. *F. Baring* defended the Board of Excise from the charge of neglecting the communications addressed to them, which might have arisen from the circumstance of their answers being sent not directly to the manufacturers, but to the various local officers, who were directed to forward them to the proper quarters. The Commissioners of Excise were anxious to meet and receive communications from any parties connected with the trade, whom they invariably received with the greatest courtesy. The noble Lord opposite, had told the House, that he moved his amendment in pursuance of the recommendations of the Commissioners of Excise Inquiry; but the amendment did not embody the object of those recommendations. The Commissioners had proposed, that the duty in England should be reduced, and that then it should be extended to Ireland; and what the noble Lord desired, was to have all the reduction, and to give no equivalent in return. With regard to the evils which it was said the tax on soap occasioned, he should have thought, that they arose not so much from the amount of the duty as from the inconvenience produced by the interference. If that were so, the noble Lord's amendment would not get rid of the evils complained of, for though the duty might be reduced, all the inconvenience arising out of the interference of the excise would remain. And now he begged the House to bear in mind what it was that the Commissioners stated. The Commissioners, it was true, said, that eventually the revenue would not lose by the reduction of the duty; but then it should be considered, that under the most favourable circumstances, it would take two years before the same amount of duty could be recovered; and the question for the House to decide was, how the revenue for the next year was to be raised? Could hon. Members, as honest men, consent, at that moment, to try an experiment with the revenue, ignorant of what its amount might be, and knowing that within three or four days, they would be fully informed of the extent of the resources of the country? The real question for the House to determine was, whether the proposed experiment could be trusted to for making up the reduction in the revenue which must take place, if the duty on soap was in part, or wholly abolished; and he trusted hon. Members would pause in the present proceeding, till it was ascertained what surplus of revenue was at their disposal.

Mr. *W. Campbell* thought, there were many other taxes more oppressive to the poor, and calling more strongly for reduction, than the tax upon soap. There was, for instance, the malt-tax; but if they cut down the revenue now, they would render themselves unable to provide funds for those improvements, beneficial to the country, which would soon be called for. He would vote against the motion.

Mr. *Wallace* was extremely glad this discussion had taken place before the budget was brought forward, as the House had been informed by the Chancellor of the Exchequer what amount of revenue was likely to be at their disposal, after providing for the usual expenditure of the year. That was returning to the old system, and he was happy that the discussion had elicited the necessary information from the right hon. Gentleman. The House could not have forgotten, that last year, the Chancellor of the Exchequer had promised to bring forward the Budget in March, but that it was not till June that they had been furnished with a full explanation in regard to the revenues of the country. If the present discussion had not taken place, the right hon. Gentleman might have pursued the same course this year as he had adopted last year, but the House now knew what the real state of the revenue was. They were returning to the old system, which he considered best, as he thought it proper that they should know something of the revenue before the budget was brought forward. With regard to the motion before the House, he thought it would tend to beat down smuggling, and it was on that ground he should support it, and not on the ground of reducing the revenue.

Sir *G. Sinclair* was understood to say, that he objected to any measure, tending to throw the funds of the country into confusion, and on that ground he would vote against any motion for the reduction of taxation, till the Budget was brought forward, and until the House knew what surplus was at its disposal.

Mr. *Gillon* replied, and said, that he had heard no argument which could convince him that there was anything improper or impolitic in the motion he had brought forward. In his opinion, there was no ground for any of those apprehensions which had been expressed by the Chancellor of the Exchequer. If, however, the House was more inclined to adopt the amendment of the noble Lord opposite than the original motion, he should give way, but for himself, he could not consent to any compromise as to the abolition of the tax. He was willing to withdraw his motion in favour of Lord Sandon's amendment.

Viscount *Sandon* hoped he might be allowed to say a few words after what had just fallen from the hon. Member opposite, and to state the course which he intended to pursue. After what had been stated by the Chancellor of the Exchequer in reference to the public revenue, and after the right hon. Gentleman had sued to them so strongly *in formâ pauperis*, he was unwilling to take upon himself the responsibility of any consequences which might result from so great a reduction of income as would follow the abolition of the duty on soap. They were promised that the budget should be brought forward in the course of a few days, when the House would know what amount of revenue was at the disposal of the country, and he therefore proposed to withdraw for the present the amendment he had moved. [" *No, no,*" and " *Divide, divide.*"] If the House wished that he should press his Amendment to a division, he was willing to comply with their wishes.

Finally the question was put to the House in the following form: Mr. Gillon having moved, "That leave be given to bring in a Bill to repeal the Duties on Soap." Lord Sandon moved, to leave out from the word "repeal" to the end of the question, in order to add the words "one-third of the existing Duty on Soap," instead thereof. Question put was, "That the words proposed to be left out stand part of the question." The House divided:—Ayes 166; Noes 78: Majority 88.

List of the Ayes.

Acland, T. D.
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alsager, Captain
Ashley, Lord
Baines, E.
Bannerman, A.
Baring, F. T.
Baring, hon. W. B.
Benett, J.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blackburne, I.
Blake, W. J.
Blennerhasset, A
Blunt, Sir C.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Bryan, G.
Buller, C.
Bulwer, E. L.
Burr, H.
Byng, right hon. G. S.
Campbell, Sir J.
Campbell, W. F.
Canning, right hon. Sir S.
Cavendish, hon. G. H.
Cayley, E. S.
Clay, W.
Clements, Viscount
Clive, E. B.
Codrington, Admiral

Corry, hon. H.
Craig, W. G.
Curry, W.
Dalmeny, Lord
Darby, G.
Dennistoun, J.
De Horsey, S. H.
Duckworth, S.
Dunbar, G.
Duncombe, T.
Dundas, F.
Dundas, hon. T.
Easthope, J.
Elliot, hon. J. E.
Ellice, E.
Evans, G.
Fazakerley, J. N.
Fellowes, E.
Ferguson, Sir R. A.
Fergusson, right hon. C.
Filmer, Sir E.
Finch, F.
Follett, Sir W.
French, F.
Gordon, R.
Graham, right hon. Sir J.
Grant, hon. Colonel
Grattan, J.
Grattan, H.
Grey, Sir C. E.
Grey, Sir G.
Guest, J. J.
Hall, B.
Hardinge, right hon. Sir H.
Harland, W. C.
Hastie, A.
Herries, right hon. J. C.
Hobhouse, right hon. Sir J.
Holmes, W.
Hope, G. W.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howick, Viscount
James, W.
James, Sir W.
Kemble, H.
Kinnaird, hon. A. F.
Kirk, P.
Knatchbull, hon. Sir E.
Knight, H. G.
Labouchere, right hon. H.
Lambton, H.
Langdale, hon. C.
Liddell, hon. T. H.
Logan, H.
Long, W.
Lushington, Dr.
Lushington, C.
Macleod, R.
Macnamara, Major
Mactaggart, J.
Maher, J.
Mahon, Viscount
Mahony, P.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Murray, right hon. J. A.
Muskett, G. A.
O'Brien, C.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Ferrall, R. M.
Paget, F.
Palmer, G.
Parker, J.
Pechell, Captain
Pendarves, E. W. W.
Perceval, Colonel
Peyton, H.
Philipps, Sir R.
Philips, M.
Phillpotts, J.
Planta, right hon. J.
Plumptre, J. P.
Ponsonby, hon. J.
Redington, T. N.
Reid, Sir J. R.
Rice, E. R.
Rice, right hon. T. S.
Roche, W.
Rolfe, Sir R. M.
Russell, Lord J.
Salway, Colonel
Sanderson, R.
Scarlett, hon. R.
Seymour, Lord
Shaw, right hon. F.
Sinclair, Sir G.
Somers, J. P.
Somerville, Sir W. M.
Stanley, E. J.
Stanley, Lord
Stansfield, W. R. C.
Steuart, R.
Strutt, E.
Style, Sir C.
Teignmouth, Lord
Thomson, right hon. C. P.
Thornley, T.
Townley, R. G.
Trevor, hon. G. R.
Verney, Sir H.
Vivian, J. H.
Vivian, right hon. Sir H.
Wakley, T.
Ward, H. G.
Westenra, hon. H. R.
White, A.
White, S.
Williams, W. A.
Wilshere, W.
Wood, C.
Woulfe, Sergeant
Wynn, right hon. C. W.
Wyse, T.
Yates, J. A.

TELLERS.

Gillon, W. D.
Smith, R. V.

List of the NOES.

Alford, Viscount
Bagge, W.
Bentinck, Lord G.
Blackstone, W. S.
Boldero, H. G.
Bradshaw, J.
Broadley, H.
Brotherton, J.
Brownrigg, S.
Bruce, Lord E.
Buller, Sir J. Y.
Burrell, Sir C.
Chisholm, A. W.
Chute, W. L. W.
Codrington, C. W.
Colquhoun, J. C.
Darlington, Earl of
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Duke, Sir J.
Dungannon, Viscount
East, J. B.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Ellis, J.
Fector, J. M.
Feilden, W.
Fielden, J.
Fleming, J.
Forester, hon. G.
Gore, O. J. R.
Goring, H. D.
Grimsditch, T.
Grimston, hon. E. H.
Grote, G.
Halse, J.
Harcourt, G. S.
Hawes, B.
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hope, H. T.
Hume, J.
Hurt, F.
Ingestrie, Viscount
Jervis, S.
Jones, J.
Langton, W. G.
Lascelles, hon. W. S.
Law, hon. C. E.
Mackenzie, T.
Marton, G.
Master, T. W. C.
Mordaunt, Sir J.
Morris, D.
Neeld, J.
Norreys, Lord
Parker, R. T.
Pigot, R.
Richards, R.
Rippon, C.
Round, C. G.
Rushbrooke, Colonel
Sandon, Viscount
Scarlett, hon. J. Y.
Sheppard, T.
Shirley, E. J.
Thompson, Alderman
Turner, W.
Vigors, N. A.
Wallace, R.
Warburton, H.
Wilbraham, hon. B.
Williams, W.
Wood, T.
Young, Sir W.

TELLERS.

Gore, O. W.
Gaskell, James Milnes

Main Question put and negatived.

BELFAST ELECTION COMMITTEE.] Mr. *M. J. O'Connell* rose, to call the attention of the House to the petition of the electors of Belfast, relating to the system of taxing witnesses' expenses in election cases; and as that was a subject of some importance, he trusted it fully justified him in bringing it under the notice of the House. The case was so new, that he had hunted in vain for authorities. The petition, which must be fresh in the memory of the House, related to the claims of two gentlemen who were witnesses before a Select Committee of the House, and the very Committee which had seated them. The petitioners, who were agents to the Earl of Belfast and Mr. Gibson, the sitting Members for Belfast, until very lately, objected, among many other things, to the qualification, in respect to property, of Mr. Tennent, whom he did not then see in his place, and to the hon. Gentleman (Mr. Dunbar) opposite; warrants were issued requiring those hon. Gentlemen to produce the necessary documents in proof of their qualification. Mr. Tennent, in behalf of himself, applied to Mr. Alexander Montgomery, the agent of the petitioners, for money to defray his travelling expenses to London, giving notice, at the same time, that unless his demand was complied with, he would not produce the papers. In consequence of this application, in order to secure his object, the agent gave a personal undertaking for such expenses as should be awarded to him. After the decision of the Committee, favourable as it was both to Mr. Tennent and to Mr. Dunbar, Mr. Tennent made a demand upon the agent for, in addition to the usual charge of one guinea a-day, the amount of 10*l.* for travelling expenses home to Belfast, although he still remained in London. The demand made by Mr. Dunbar was for 42*l.* 1*s.*,—namely, for travelling expenses to London, 10*l.*; for twenty-one days' expenses from the 13th of February to the 6th of March, 22*l.* 1*s.*; and for travelling expenses home, 10*l.* This demand was accompanied by a note to the following effect:—"The above are the particulars of my expenses, and I request you will appoint a time for the taxation thereof, and I will give you notice, that until the amount thereof be paid I will remain in London at your expense. George Dunbar." Mr. John Bates, the law agent of the present Members, had also furnished a demand for 123*l.* 19*s.* although he came to London solely on their business, and his personal attendance was required throughout the proceedings. The expenses so claimed had been awarded, and the petitioners therefore complained of the present system of taxation of the expenses of witnesses in election petition cases, and prayed for an alteration. Unusual as the case was, he had found one precedent bearing on it. He referred to the Hertford case, reported by Perry and Knapp, in which it was held that a witness could only demand expenses for bringing him up to attend on the Committee, but that all subsequent expenses were subject to taxation. In this case the parties had gone before Mr. Rose, whose decision had been much impugned in the public newspapers and otherwise, and therefore it would be an act of justice to that Gentleman to have the matter investigated. It was his intention to move for a Select Committee to institute an investigation. Having stated the leading features of the case, he would ask, did not the House think it was one which called for some notice? Was it fair to say, that even if parties could make out no case against the qualification of a candidate, they were to be debarred from the proofs of it, or to be allowed to have them only under the penalty of paying such heavy expenses? He thought it due to the character of the House and to common justice, that there should be some expression of opinion against claims of this kind, or some inquiry into the state of the law which justified such claims. He should, therefore, move for the appointment of a Select Committee to inquire into the laws which regulate the taxation of witnesses' expenses examined before Committees appointed for the trial of controverted elections.

Mr. *Dunbar* did not rise for the purpose of opposing the motion of the hon. Member for Kerry, but as his name had been introduced into the petition he was sure that the House would pardon him for addressing a few observations with respect to it. It had been truly stated in the petition, that a demand had been made on his part for his expenses, and he thought no doubt could be entertained of his right to make that demand, as the officers appointed by the House had awarded expenses in similar circumstances to his colleague. This was not, however, the reason why he had made a claim for expenses. His reason was, that Lord Belfast's agent had made a demand, amounting to 15*l.*, and when he (Mr. Dunbar) was made aware of this, he informed his solicitor, that if he chose he might apply for the amount of the expenses to which he (Mr. Dunbar) was legally entitled. But whilst he said this to his solicitor, he told him at the same time, that they should not be accepted by him (Mr. Dunbar), but that they should be divided amongst the poorer class of witnesses, who suffered considerably in consequence of being detained from their various pursuits and occupations of business in London, waiting to be examined. As it might be supposed by the party opposite, that he had been put to no expense, he wished to avail himself of the present opportunity of stating, that it was not the fact. He had been served with a notice to produce a certain deed, in order to afford to the sitting Members the fullest opportunity of questioning his qualification and of searching into it. He was advised to be prepared with the witness to that deed, lest some cause of complaint or objection might be raised if that witness was not present. Accordingly, he had been placed under the necessity of bringing the witness he alluded to at great expense from the north of Ireland, and that witness being a professional man, and having been detained for upwards of three weeks, he felt bound to allow him three guineas a-day and his expenses back again, and this witness alone had cost him (Mr. Dunbar) upwards of one hundred pounds. Now, after he had been subjected to all this expense, would it be believed, that that deed never had been asked for? But that was not the only expense to which he had been subjected with respect to his qualification. He had been questioned respecting another deed, and after that deed had been produced, and after the opposite party had considered and perused it, they found that it would not answer their purpose. They accordingly returned the deed, and refused to give it in evidence. Now, he asked the House, was not this a case of hardship—was it not a case of hardship that a Member in this way should be compelled to produce his deeds, and that after they had been searched and inquired into, it should appear that there was no foundation—that there were no grounds whatever for the course that had been taken respecting this transaction? There never was a more frivolous or vexatious attack —never a more groundless and wanton attempt to assail the qualification of any Member — than had been made in his (Mr. Dunbar's) case. He would venture to say in the presence of those who would be able to correct him if he was wrong, that if his qualification was the only question before the Committee they would have been constrained by the groundlessness of the case in that respect (as we understood the hon. Member) to have found the defence of the petition frivolous and vexatious. Without having had to call a single witness in defence of his qualification before the Committee, they came to an unanimous decision that there were no grounds on which to impeach his qualification. Even more than this—Lord Belfast, his opponent, had stated to him, that in his opinion his qualification ought not to be questioned. It would be quite a mistake for any one to suppose that the parties to the petition were the parties whom he sought to obtain his expenses from. Why, no man could be considered in his senses who would think of expecting a single farthing from them. Two of them had been struck off by the Committee as not being qualified to vote as 10*l.* freeholders. They were mere men of straw. He had a better mark; for whatever obligations the hon. Member for Kerry and his Friends at the other side of the House might be under to the party to whom he alluded, he, at least, was not under any whatsoever. The party to whom he alluded was Mr. Gibson. It was at the instance and request of that individual party that the summonses had been issued, as appeared from the originals in the Secretary's office. As he had stated that he was under no obligations to Mr. Gibson, he felt no hesitation to mention, that the day on which Lord Belfast had made up his mind to give up the defence of his seat, Mr. Gibson came down to the House and voted. The hon. Member for Kerry had told them, that he could not find a precedent for the demand made, and neither could he find any precedent for a man voting after it had been settled that he did not rightfully possess a seat. The instance of a Member's voting on the day on which the tenure of his seat was about to expire, was a case without precedent, and one which he hoped they would never see followed in practice. He wished to make one observation with respect to a gentleman whose name had been mentioned in connexion with this case. He alluded to Mr. Bates, than whom there was no more respectable gentleman in his profession. That gentleman would never have thought of asking for his expenses if Lord Belfast's agent had not made an application for his expenses. To show that Mr. Bates was sincere in that course, he opposed Lord Belfast's agent's claims before the Committee, and so far succeeded as to prevent that party being allowed more than a part of them. That gentleman then immediately withdrew his own claim, though it was larger in consequence of his having been obliged to go to Ireland, whilst the other party, Lord Belfast's agent, remained in London, being engaged, as he styled himself, in the capacity of a Parliamentary agent. As a matter in which he was so much personally concerned had been brought before the House, he felt bound to make this statement, and thanked the House for the indulgence with which they had heard him.

Mr. *Wynn* said, that the conversation which had just ensued showed the extreme inconvenience of entertaining such a motion as the present. This question of costs had already been referred under a particular Act of Parliament to two individuals, who always had been, and ever would be, without any political leaning, against whom there could be no suspicion—viz., a Master in Chancery and one of the clerks at the table. That tribunal had been fixed in order to avoid questions of this kind being brought by way of appeal before the House. It was obvious, that to enter upon such an appeal it would be necessary to go into the whole history of the election—into everything which passed at the trial of the petition, and with a full experience of similar cases, he felt it would be infinitely better for the House to avoid entering into an examination of such questions. As to an examination into the laws, it was unnecessary, for the law under which the claim had been recognised was contained in one short clause of the statute. If better referees in such cases than a Master in Chancery and one of the clerks at the table could be found, it would be easy to make a provision changing the tribunal in the Bill now before the House, or by a separate measure, if necessary. He was however, of opinion a more fair or impartial tribunal could not be found.

Mr. *H. Grattan* said, he thought it was most unjust, on the part of the hon. Member opposite (Mr. Dunbar), to have attacked the late Member for Belfast (Mr. Gibson). He had read the letter addressed by that Gentleman to his late constituents, and he found nothing to censure in it; and he must add, that he never heard of a more extraordinary decision than that which had said a lease for lives renewable for ever was not a freehold. In Ireland it had always been so considered. Upon that tenure a great part of the property in Ireland was held, and he (Mr. H. Grattan) appealed to any lawyer to say, whether a qualification founded on such property was not sufficient. He maintained that Mr. Gibson had as good a qualification, as good an Irish freehold, nay, much better than the hon. Gentleman who now sat in his place.

Lord *J. Russell* would decline entering into any part of the present discussion, concurring, as he did, in the views expressed by the right hon. Gentleman opposite (Mr. Wynn). He was unwilling to presume that there was any reason to find fault with the officer in the discharge of the duty referred to him, and seeing no such grounds, he was equally unwilling to accede to the present motion.

Motion withdrawn.

YEOMANRY (SCOTLAND).] Mr *Gillon* rose to move for a "copy of any precognition taken for, or report made to, the Lord Advocate of Scotland, respecting the conduct of the Ayrshire yeomanry cavalry, in and near the town of Kilwinning, during the last election for the county of Ayr; especially such extracts as will show the order issued for the assembling of the above corps, or any part of it, on the day previous to the said election: the name or number of the troop or troops assembled, and the number of men from other troops than those ordered out, with the names of the officers commanding or accompanying the troops which turned out on that occasion, and stating whether with their own troops and men, or with those of other troops; also the name of the place or places where the officers and men were ordered to meet, and were quartered during the day and night previous to the aforesaid election; also the hour and place at which they paraded on the election day the distance of that place from the polling station at Kilwinning, the hour they marched into that town, stating also the pace at which they were conducted, and the hour and place of their arriving at the polling-booth, the time they were kept there during the hours of polling, and when relieved from duty." If the learned Lord would consent to grant his motion, he would not say one word upon the subject; but as he was given to understand that the learned Lord would oppose it, he felt bound to offer a few words in explanation of his object. The reason for which he asked it was, that the yeomanry corps in many parts of the country had been disbanded by the Government. He was far from complaining of the adoption of this course; but what he complained of was, that the Government had not gone far enough. There were two corps in Scotland still in existence—those of Lanarkshire and of Ayrshire, and he desired to know what justification there was for their maintenance? for he was prepared to argue that they should peculiarly have been disbanded. He asked for the returns referred to in his motion, in consequence of the transactions of the corps. He would state, and believed his statement could be proved, that at the last election, on the day before the polling took place in Ayr, the corps of yeomanry was summoned—by whom or for what purpose, he did not know—but they were summoned in a peculiar way. Two troops were called out, but persons connected with the corps, both privates and officers, but who were not immediately connected with those troops, were called upon to volunteer to act with them. On the night before the poll, the officers were quartered in Eglinton Castle, and the privates were also provided with shelter in the stables and outhouses of the castle, or in the houses immediately adjoining. On the next day, when there was no riot, or appearance of riot, the troops were wantonly marched into Kilwinning at full gallop, and with their swords drawn, and every attempt was made to provoke the people to a riot, the men themselves being placed at the side of the polling-booth, for the purpose of preventing the electors coming to the poll. But however they might have acted in this respect, the conduct of those who had marched them into the town was unconstitutional and improper, in being likely to produce terror in the minds of the people, and to cause risk and danger to their property and their persons. He repeated that his only object was, to show these corps were of such a description as to be peculiarly proper to be disbanded, for he had been informed that they were employed as a species of canvassing committee for the Tory candidates in the different counties. He should hope, therefore, that the learned Lord would not find it incompatible with his duty to grant the returns he asked for.

The *Lord Advocate* could not agree to grant the motion of the hon. Member, and for a very good reason. The fact was, that although a report had been made to him in reference to the conduct of the yeomanry on this occasion, yet the report was not of such a nature as to enable him to give the returns called for. It was merely in the nature of a precognition, which stated that some degree of riot had taken place, but the facts which it set forth were by no means ample, and the precognition itself might be revoked by the witnesses, from whose evidence it was framed, before any trial could take place. It was not of such a nature, therefore, as to afford the necessary information to the House, its object being merely to convey a species of primary information to the Crown, which might subsequently be acted upon or not. It was evidence taken merely at the instance of the Crown, and without any cross-examination, and it would afford only conjectures which could not be fairly acted upon. He was desirous merely to say, that the production of the document could not produce any satisfactory result for the precognition did not touch on any of the particular points referred to by the hon. Member.

Mr. *Robert Ferguson* saw no difficulty in saying, that as far as this corps was concerned, whether as regarded the officers or the privates, he believed it was most respectable; but he could not help adding, that if any corps should be required to put down any disturbance, or to disperse a mob, the yeomanry was the very last which should be called on to act, for their own sakes; and he would ask what possibility there was that they should be well disciplined, when they went out to drill only for a week at a time, and then as much for amusement as anything else. In this country the people depended on the standing army, and they did their duty, and nothing but their duty.

An *hon. Member* submitted, that the hon. Member for Kirkaldy was travelling out of the matter under consideration.

Mr. *Ferguson* said the hon. Member appeared to be mistaken with respect to his opinion in reference to the yeomanry. He repeated that he had the greatest respect for all the component parts of it—for officers, men, and horses. He was the last person who, in his capacity of Lord-Lieutenant, would have called out the yeomanry force to act in such a case.

Mr. *Wallace* meant to speak to the question which had been brought forward by the hon. Member for Falkirk. Belonging to the county in which the yeomanry were established which had been referred to by that hon. Member, he would say, that he believed the statement of that hon. Member to be quite true; and he could not exactly understand the nature of the duties of the learned Lord, which prevented him in his capacity of public prosecutor from laying before the Houses the circumstances which must have come to his knowledge. He had admitted the riot, and he had admitted, that he knew something of it, but he would not communicate what he knew. He was prepared to say, that the time had arrived when the duties imposed upon the learned Lord required revision if he should be allowed to conceal circumstances which might come to his knowledge under them.

Motion withdrawn.

LORD DURHAM'S MISSION.] The Marquess of *Chandos* rose, to bring the subject, of which he had given notice, under the attention of the House, and he would not trespass long on the House at that late hour; but he must observe, that the motion was one which was of very great importance.

Lord *John Russell* inquired what the specific motion of the noble Marquess was?

The Marquess of *Chandos* said, that the noble Lord asked him what was his specific motion, and he would take the liberty of reading to the House the resolution which he intended to propose. It was in the following terms:—

"It is the opinion of this House that the duties of the Lord High Commissioner and the Governor-General of her Majesty's North American provinces should be conducted with the utmost possible degree of economy, consistent with a just remuneration of the persons employed. That it appears by returns which are before this House, that the amount of the expenditure for one year on the establishment of Lord Gosford, as Governor-General, amounted to 12,678*l.*; and that it appears to this House, that such establishment was founded on a just and liberal scale, and is a proper precedent to be acted upon in the case of the establishment of the Earl of Durham."

It would be in the recollection of the House, that a question had been asked of the noble Lord (Lord J. Russell) with reference to the appointment of Lord Durham, and he answered, after some consideration with the representative of the Colonial-office, that there would be no objection to a return of the amount proposed to be expended being laid on the table of the House. By Returns which were now before the House, it would be found, that on the 10th of March a letter was written to Lord Glenelg by Lord Durham, containing a memorandum of the establishment proposed, so far as he could judge of the assistance which he should require. That was on the 10th of March. On the 24th, after the question had been asked of the noble Lord opposite, Lord Glenelg wrote to Lord Durham in the following terms:—

"I have the honour to inform you that a desire has been expressed by a Member of the House of Commons that a statement of your Lordship's establishment as Governor-General of the British North American provinces and her Majesty's High Commissioner for the adjustment of certain affairs in Canada should be laid before the House. Lord John Russell, on the part of her Majesty's Government, having assented to this request, I shall be obliged if your Lordship will furnish me with a statement of your establishment for this purpose."

This was on the 24th of March, the Return having been sent by Lord Durham on the 10th, and as Lord Glenelg asked Lord Durham for his appointments, it appeared that the Cabinet had left him to arrange the matter himself, and did not tell him what they would allow. On the 26th of March a letter was written by Lord Durham to Lord Glenelg, and it stated that

"Her Majesty having been graciously pleased to intrust to me the general Government of six provinces in North America, the entire administration of affairs of one province during the suspension of the ordinary form of Government, and a separate Commission for the adjustment of weighty affairs affecting the permanent welfare of all her Majesty's possessions in North America, I must require, for the due performance of those important and multifarious functions, the most zealous and efficient co-operation."

He was convinced that the efficient co-operation of the House of Commons would not have been withheld.

"I feel it due to those who leave this country on this arduous and difficult service to ensure to them adequate and honourable remuneration."

He would go along with the noble Lord in this too, and would express his opinion that a proper remuneration should be given.

"By this feeling I have been influenced in the formation of an establishment for carrying on the Government of North America, and have the honour of inclosing you a copy of my letter to Sir George Grey of the 10th instant, in which are included the details which your Lordship requests. I have also to state to your Lordship that I have received from the Commander of the Forces permission to avail myself of the services of four paid aides-de-camp, whose assistance will be urgently required in the various personal communications which I must necessarily make to the Lieutenant-Governors and commanders of Her Majesty's forces in the different provinces placed under my Government. I have now given to your Lordship all the information I can afford you at the present time. On my arrival in North America I may possibly find it necessary to require further executive assistance, but I can assure your Lordship that I shall ever be guided by as strict an attention to economy as is consistent with what is, I own to you, my primary object, the efficiency of the public service."

He had felt it his duty to bring this question forward before Lord Durham started on his mission, that the House might express its opinion as to whether the noble Lord should have the power of putting the country to unlimited expense, or whether the expenses of his establishment should be limited to something about the amount of the expenses of the establishment, including salary, of his predecessor, Lord Gosford, which was 12,678*l.* per annum. When a man, having the abilities and the disposition to serve his country, made the offer of his services, or consented to take office, he only did that which it was quite proper he should do; but if the services of the noble Earl were thought worthy to be employed, he considered it much better that the individual should receive pay for them than that by rendering them gratuitously, the country should incur a greater expense than if a salary had been afforded. He thought instances might be found in which that had happened, viz., that the acceptance of gratuitous services had been more costly to the country than the payment of a fixed salary would have been. He had always thought that the government formed the administration of persons employed by it; he did not believe, that it had been the practice to leave it to any officer whom it employed rather to form his administration, or to determine how few or how many that administration should comprise. If report spoke truly, the mission of the noble Lord was to be on such a scale of splendour and expense, that he thought it due to the House that her Majesty's Ministers should be called on to state what were the circumstances under which the noble Lord would embark for Canada, and that this House should have the opportunity of determining whether it would give its assent to the noble Lord being empowered to incur an unlimited expense; whether he should be allowed to have an immense establishment, comprising, as it was said the noble Lord's was to comprise, sixty or seventy individuals; or whether it would not rather that the noble Lord received a fixed salary, and that some limit were set to his expenses, so as to make them approach very nearly to the expenses of the establishment of his predecessor. He found in the memoranda of the salaries required for the establishment of the noble Lord, that the Governor-General was to be put down blank. There was to be no remuneration for the services of the Governor-General; he offered them gratuitously; but he thought they were bound to look at the whole of the bargain that it was proposed to make. He concluded that the Private Secretary of the Governor-General was also to receive no salary, for, in place of any emolument being set down for that officer, the entry was also blank. No doubt that the noble Lord proposed to render his services to the country in a very handsome and chivalrous way, and no less must be said of the noble Lord's Private Secretary, who, he believed, was Mr. Edward Ellice; but he did not think, that this got rid of the objection to unlimited power being given, or to the expense of the noble Lord's establishment. From the memoranda to which he had already referred, it appeared that, besides the Private Secretary, the Governor-General was to take four other secretaries. There was the Chief Secretary at 1,500*l.* a-year; there was the Military Secretary—a most unexceptionable gentleman, certainly as gallant and highly distinguished an officer as ever trod the soil; he was to receive 700*l.* a-year; and then there were two Assistant Secretaries or clerks at 600*l.* a-year. These salaries of the Secretaries amounted altogether to 2,800*l.* per annum; the salaries of Lord Gosford's secretaries amounted to 1,505*l.* per annum. Why should the noble Lord take with him this number of secretaries, and at so great an amount of cost to the country in salaries, he could not conceive. He believed there never was an instance before of a person, being similarly employed, requiring so many attachés as did Lord Durham. After the secretaries came another person who was to be in the retinue of the Lord High Commissioner, he being described as the noble Lord's "legal adviser." He had taken great pains to examine the establishments of former Lord High Commissioners, and in none of them he had found a legal adviser one of the appendages. Now, as there were already in Canada an Attorney-General and a Solicitor-General, with a salary of 500*l*. per annum each, gentlemen who were no doubt very respectable in their way, and when they found that there was a legal adviser proposed, with a salary of 1,500*l*. per annum, he thought it was of importance that they should know who this legal adviser was to be. This was information which, in his opinion, the House ought to possess, it being intended, he imagined, that the officer in question should, in a great measure, supersede the other legal Gentleman he had mentioned, and it being unquestionable that very great responsibility would devolve on him. By the letter of Lord Durham they were also informed, that the Lord High Commissioner was to have the services of four paid aides-de-camp; and when he saw it stated, that they would be urgently required to ride fast all over the country, he was induced to make some inquiry to ascertain the number of aides-de-camp that had been required by as great and illustrious a commander as our service ever could boast. The Duke of Wellington, when field marshall in 1815, found that six paid aides-de-camp were sufficient: but when he had the command not only of our own army, but of the allied troops of all the foreign nations engaged with us in carrying on the war, had he eight aides-de-camp? No; he had only four. Now he (Lord Chandos) would put it to the House whether there was any comparison to be instituted between the importance of the services likely to be rendered by the Lord High Commissioner in Canada, and that of the duties which were performed by the Duke of Wellington in the Peninsula? It should be stated, that the Duke of Wellington had objected to officers being taken from the ranks to serve as aides-de-camp without permission from head-quarters. But he begged to ask what was all this for? If the noble Lord, high in rank and station, and one to whom this country looked with respect—if he were going to some great country where splendor was required, and it would be desirable for the riches and power of his own country to be displayed, the case would be essentially different; but the present was an instance of an individual going to a country where anything like splendor was unknown, and where a Lord High Commissioner was, in his opinion, more likely to conciliate by a quiet demeanour, and by an unostentatious government, than by all the display and splendor proposed by the noble Lord. Did the noble Lord suppose the discontent which had existed in Canada, having arisen in a great measure from the amount of the civil expenditure—did he suppose, that by carrying with him a large number of aides-de-camp,—that by surrounding himself by a numerous body of attachés—that by a profuse expenditure and an extraordinary display of magnificence, he should be likely to succeed in calming the discontent, and in reconciling men's minds to the new government? He thought, that the gallant Officer who was now in Canada had the necessary degree of firmness, and was as well able to conciliate as would be the noble Earl in his capacity of Lord High Commissioner with all his splendor. He would repeat that such display was not wanted in a country where one of the great evils of which they complained was, the existence of poverty to a great extent; an exhibition of splendor there, was not only not necessary, but was not likely to be favourably received. He must say, he had felt not a little surprise that no other Gentleman in the House had felt it his duty to allude to this question, because, as they all very well knew, there were many of the hon. Gentlemen opposite who used to be much in the habit of taking a deep interest in the financial affairs of the country, and who, when they sat on the Opposition side of the House, were always awake to things of that sort. He should have been glad if some of those hon. Gentlemen had taken the matter up; but, as they had been silent, feeling its importance, he had considered it his duty to bring it under the consideration of the House, with the view of obtaining the expression of their opinion. He must say, he considered it something in the nature of a job. He thought it probable that the noble Lord was looked upon with some degree of jealousy, and that to have found him an appointment at home suitable to his high rank and great ability, might have been an inconvenience. He thought it probable, that the Lord High Commissionership of Canada was given to the noble Lord with the view of removing him to a distant part, where he would not inconvenience the hon. Gentlemen opposite, and where he would have the opportunity of displaying his talents and his power. He had no wish to deny to the noble Lord any portion of the credit that was due to him on account of his talents and worthiness as an English country gentleman; he knew he was greatly respected in the county where he resided, and he should lament if any thing he said were suffered to detract from what was due to the noble Lord in that capacity. One of the questions which he wished to ask the Government was, whether the noble Lord was to be allowed any outfit? In the reports of his intended magnificence, they had heard of the plate he proposed to take with him, and of the great number of servants that were to be hired, and he thought that the questions which naturally resulted from such reports were—was the country to be charged with the outfit? and if it were, what was to be the cost? Would they allow him the same outfit as was allowed to the Governor-General of India or to the Lord-Lieutenant of Ireland—say 20,000*l.* or 30,000*l.*? Would they do this, or would they give him neither allowance for outfit nor fixed salary, but say he should have the power of putting the country to an unlimited expense? If the latter were the proposition, he would say, he decidedly objected to it; he thought it would create a precedent that would be dangerous in itself, and that such an arrangement was not likely to be of the slightest benefit. What were the opinions of the noble Lord himself on such subjects. In the year 1817, when Mr. Lambton, he made a severe attack on Mr. Canning, the expenses of the right hon. Gentleman's embassy to Lisbon being then under consideration. He thought he could not do better than quote part of the speech of the noble Lord on that occasion. On the 6th of May, in 1817, towards the end of a very long speech, Mr. Lambton said:—"Under all these considerations, he called on the House to come to a decision on the merits of the case. He had now to put to the test the sincerity of the professions of the House, of economy and vigilance over the extravagant conduct of Ministers. He showed them a case in which the public money had been most culpably and disgracefully squandered; no sort of necessity had been shown, in the papers which the Government had submitted, as their justification: on the contrary, every document tended to prove most clearly, that in no one instance had they more abused the confidence reposed in them by Parliament than in the present. If in these times of distress and discontent it was important for the House, to acquire a reputation of strict public virtue and incorruptibility, they would mark their sense of this proceeding, and show the people that they still retained within themselves the means of satisfying their just claims, and of protecting them against the culpable and profligate extravagance of Ministers."* In conclusion, he would call on the House to watch narrowly, the expense that the country would be put to on account of this mission. Lord Gosford was able to carry on the government at an expense of 8,000*l.*, and he did not see why any one who was going out with the same rank should have the power of putting the country to a greater expense. There was, to be sure, one title added to the name of the noble Lord, which was not allowed to that of Lord Gosford; the noble Lord was Lord High Commissioner, and Lord Gosford was High Commissioner only; but was that a difference such as would justify them in allowing to the noble Lord an unlimited power of expending the public money? He now begged to move the resolution which he had already read.

Mr. *Praed* in seconding the motion, observed, that the present was one of those cases which especially required to be brought under the consideration of the House of Commons, and he begged it to be distinctly understood, that no part of its effect would be to deprive the noble Earl of any of the just means or advantages necessary to an effective discharge of his duty. Of what importance to him could be a few aides-de-camp, more or less, or an additional lieutenant or two? But an abuse of liberal expenditure would be not only a waste of the public money, but possibly an impediment to the public service; for let it not be forgotten, that the noble Earl was going out to a colony, especially jealous of superfluous expense; that the deputies from Lower Canada had expressly stated, that the calculations of the mother country with regard to expense were wholly unsuited to the circumstances of our North American colonies. Mr. John Neilson one of those examined was asked this question:—"You approve of the cession of the whole revenue, provided a sufficient civil list be secured?" He answered, "Certainly. They are very bad managers of our revenue in England: they are accustomed in their own persons, to a far larger scale of expenditure than we are here, and they are unfitted to deal with a public revenue so moderate as ours." So much for the testimony of one qualified to pronounce an opinion; but what said the letter of Lord Durham itself, who was now going out to Canada with an equipment and cortège that would astonish the people of that colony? It was a letter in every respect most unsatisfactory: it formed no guide as to the nature of the duties which the noble Lord would have to discharge. In answer to an inquiry with regard to expense, he says, "that being intrusted with a separate commission for the adjustment of weighty affairs, affecting the permanent welfare of all her Majesty's possessions in North America, I must require for the due performance of these multifarious and important functions the most zealous and efficient co-operation." He (Mr. Praed) desired to know how it happened that the noble Earl was to have the adjustment of any affairs whatever. Surely it was understood that he was going out not to settle, but merely to inquire; from his letter, however, the very contrary would appear, and when asked for precise sums, and items of account, he replied to the inquiry with a statement about multifarious and important duties to perform.

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* Hansard, vol. xxxvi. p. 166.

"With trope and metaphor his Lordship comes,
"Phrases for figures, similes for sums."

His Lordship also stated, that he would require four paid aides-de-camp. Were these to be for the purpose of carrying important communications, or were they merely to swell the pomp and splendor of the Governor? His Lordship then proceeded to say, that he had now given all the information he could afford, and, considering that all this information had been given fourteen days before, and considered unsatisfactory, it was rather curious that his Lordship should say, at this time it was all he could afford. His Lordship said on his arrival in America he would afford—what? further information? No such thing, he might, perhaps, require further executive assistance. Then there was the legal adviser, who was to supersede the Attorney and Solicitor General; the House certainly required some explanation on this subject. Now, he asked with his noble Friend, what were they to get by this mission? He looked at it with the greatest suspicion, because he did not anticipate any great benefits from it. He would not say anything as to the personal fitness of the noble Earl—that would be trenching on the prerogative of the Crown; but he thought all this parade—these four paid, and four unpaid aides-de-camp—were, particularly as the rebellion was put down, extremely useless on a mission, the end of which was, merely to carry into effect a commission of inquiry—to add to our already immense mass of Canadian information. He expected nothing from this inquiry, but another great blue book, like the last. For the various reasons which these considerations suggested, he should give the motion his support, confident that it was a resolution which the House ought to adopt, and confident at the same time, that the mission to which it had reference, would end in failure and disappointment, as

"St. Paul's great cupola just brought to bed,
"After large labour, of a small pin's head."

Lord *John Russell* must, in the first place, remark, that the noble Lord had followed a very bad practice, though he was not the beginner of it, of bringing forward a motion like the present, of very considerable importance, without having given the House any previous information respecting it. The noble Lord was aware that Lord Durham was about to discharge a most important duty—the noble Lord was aware that Lord Durham was going out to Canada to fill a most important situation—the noble Lord was aware that the Government had charged the noble Earl with very high duties, and that they were responsible to the country for the appointment they had made; and yet the noble Lord had thought proper to bring forward a motion inculpating Lord Durham, and this, too, without giving any notice to the House that such a motion was to be made. The noble Lord had only told them that he would call the attention of the House to the subject. This was the ordinary way of giving notice on that which it was not to be supposed would be the subject matter of a motion, or which, if a motion were made on it, was one that could not be objected to. The noble Lord had merely told the House he would call attention to the subject. If then a contrary practice were to be introduced, if it was intended that when a motion of censure upon an individual were to be proposed, it was to be brought forward without any previous information to the party accused, then he could not say, that any such practice would be useful to that House. With respect to the motion itself, he did think that it was one of a very paltry character. As to the hon. Gentleman who seconded the motion, he seemed to know nothing either of the state of Canada or the measures that were under consideration. Canada having been disturbed by insurrection, Canada, too, having likewise been agitated by the discords between the different bodies comprising her Legislature, that House had thought proper to suspend her Legislature altogether, with the view of making arrangements, if it were possible, for having an harmonious Government established. It was proposed to intrust, under such circumstances, very great and important duties in that country to an individual whose talents, and whose accomplishments, and whose fitness for such an office the noble Lord had not denied. The noble Lord had not stated a single objection to that appointment, no more than any other Member of the House during the discussions upon the measure had attempted to show, that the person who had been selected by the Government was not perfectly fitted for the office, and who had undertaken its duties, as he thoroughly believed, from a sincere wish to serve his country. No one had attempted to show, that the noble Earl was not perfectly competent to discharge the functions of so high and important a situation. The only attack which the noble Lord had made was upon the expenses of the mission of Lord Durham. He said, that the motion of the noble Lord was merely an attempt to cramp the exertions of the Governor-General. It was merely an attempt at attack upon a minor point, when all the attacks upon the greater part of the measure had failed. It was only an attempt to aim at the smaller matters connected with the mission, and it was, too, an attempt to raise unfounded prejudices for the purpose of baffling in some degree the effect of the mission intrusted by the Government to Lord Durham. It was this, and nothing else. The noble Lord had proposed, with respect to Lord Durham, that his expenses should be defined, and that they ought to be measured by the expenses of Lord Gosford, and the noble Lord seemed to imagine that Lord Gosford had been sent to Canada to receive a salary for his services. Lord Gosford had not been sent to Canada with a salary—he had been sent with the mere ordinary form of having his expenses paid, with certainly the instruction that economy should be attended to; and it was also to be observed that Lord Gosford had with him two other Commissioners, whose expenses were not included in the account referred to by the noble Lord. But then it was to be remembered, that Lord Durham was intrusted with functions which had nothing to do with those that had been confided to Lord Gosford. Lord Durham, besides being Governor-General of Canada, was also high Commissioner over other provinces in North America, and, in addition to his other most important duties, he had, together with a Council to be named by himself, to frame laws for the regulation of Canada until the Legislature, to be afterwards sanctioned by Parliament, was established. It was to be recollected, too, that a Legislature had existed in Canada during the time that Lord Gosford was governor. The noble Lord knew, that the machinery of that Legislature was carried on at very considerable expense. The amount of the sums paid in the year to the Speaker and Members of the House of Assembly, during the time that the Constitution was in force, was very considerable; so that if the noble Lord meant to contend, that the whole of the expense of Lord Durham's mission was to fall upon this country, it was to be remembered that the total amount of the whole of the revenues of Canada, a great part of which were consumed in the expenses of the Legislature, were expenses that would not be incurred during the time that Lord Durham would stay in Lower Canada. The noble Lord had, indeed, said that many remarks had been made with respect to the expenses of Lord Durham's mission, which were not to be found in the papers. Now, as to the particular number of servants and grooms which Lord Durham meant to take out, he could not give the noble Lord any information; but then he was aware that rumours, and unfounded rumours too, had been circulated for the purpose of injuring Lord Durham's reputation. One of these rumours was to the effect that Lord Durham was to be furnished with an extensive service of plate. The origin of that rumour was, that Lord

Durham had sent his plate to a goldsmith for the purpose of having it valued, and ensuring it during its passage to Canada. And that was one of the rumours which the noble Lord naturally believed, and which he thought, perhaps, justified him in the course of proceeding he had adopted. The noble Lord had also alluded to the aides-de-camp appointed by Lord Durham; and the noble Lord had also thought fit upon the present occasion, he did not say whether rightly or wrongly, to attack her Majesty's Government for Lord Durham's being sent to Canada. As to the hon. Gentleman, who seconded the motion, his ignorance made him think, that all danger was at an end. On the contrary, the state of Canada was critical. It was to be observed, that the situation to which Lord Durham had been nominated was much more consonant with the great situation of a governor-general of India, or the Lord-Lieutenant of Ireland, than to that of an ordinary governor. The Lord-Lieutenant of Ireland, whoever he might be, had always four aides-de-camp, and generally several others were appointed by him. The noble Lord had mentioned the name of the Duke of Wellington. That was only for the purpose of exciting a prejudice in the House. Whoever the Lord-Lieutenant of Ireland might be, he said it would be unfair to institute such a comparison between him and the Duke of Wellington, and to say of him that he was not to be placed on an equality with the Duke of Wellington, who had commanded all the armies of Europe. The number of aides-de-camp were to be looked to, and considered as to what were at the moment the rank and the station of the persons to whom they were attached, and the office to which they belonged. He did think, that there was one reason why Lord Durham should have the number of aides-de-camp which had been objected to, and that was, he thought, a perfectly valid one; it was, that he might wish to make confidential communications with the other governors of the North American provinces, or the British minister at Washington, and might think it better to intrust an aide-de-camp to proceed with them, than transmit them by post, or send them by a common courier. Another appointment of Lord Durham's had also been much criticised—it was that of "a legal adviser." On this subject, it might be observed, that peculiar duties were imposed upon Lord Durham; for he had to consider whether he should bring forward certain propositions, for the purpose of their enactment, before the Special Council, of which he was himself to be the head. He ventured to say, that, possessed of talents, as Lord Durham was, which particularly fitted him for the situation of governor, yet it could hardly be expected, from him that he could propose such measures as under the circumstances, would be required without the legal advice of a person fully competent to discharge that duty towards him. The noble Lord had alluded to the Attorney and Solicitor-General of Canada, and asked, could not they perform this duty. He had no fault to find with those law advisers; but the question resolved itself to this: Must not some such matter be left to the discretion and responsibility of the Government for the time? When Lord Durham mentioned the matter to the Government, it was considered by them he had taken a correct view of it, and they believed, that its adoption would tend to the successful termination of his Lordship's mission. As to the person in view for such an appointment, he was not aware of any particular person at the present moment; but he thought, that the appointment in itself was a very proper one. Now, the noble Lord had said, that it was by a display of magnificence of this kind, that Lord Durham would endeavour to govern the province of Lower Canada. This was said by the noble Lord, and yet the noble Lord admitted, indeed he could not deny, that Lord Durham did not rely upon magnificence or upon display; but upon his talents, his energy, his character, his well-known principles, his acquaintance with the history and the constitution of various countries, and it was these means and these qualifications which gave him influence wherever his country might place him, or in any station that he might happen to hold. Then the noble Lord had alluded to former examples, and by way of a personal taunt, he had brought against Lord Durham a motion, which, as Mr. Lambton, he had made respecting the expensive mission of Mr. Canning to Lisbon. That sounded very well, as if it were similar to the mission upon which Lord Durham had been engaged, and as if the objection could be of a similar character. He thought, notwithstanding the splendid speech of Mr. Canning—the most splendid, perhaps, he had ever made—that the general impression was, that Mr. Canning had been sent upon an expensive mission without there being a sufficient reason for incurring the expense, and that there was no real necessity for sending Mr. Canning, nor was there any weighty and particular business to be performed. He remembered the sarcastic observation of a gentleman upon this occasion who said to him, "whatever you in the Opposition may think of the competency or incompetency of those who fill certain situations in the Government, you cannot, at least, deny that our ambassador to Lisbon is fully competent to hold that situation." It was, then, upon that objection, that Lord Durham had founded his motion against Mr. Canning; but then he had never denied, nor at any former time had the Opposition denied, that where important duties were to be performed, great charges must be incurred; that where a public duty was to be discharged, and an individual was chosen by his Sovereign to perform an arduous duty, that in such a case, the expenses were, to a certain degree, to be regarded as a matter of indifference, and it was left to circumstances to determine them; and as a proof of this, he referred to the speech of Earl Durham upon the very motion respecting Mr. Canning. Upon that occasion, it was said by Lord Durham, that

> "The expense of Sir Charles Stuart had been referred to, but that could form no precedent for the expenditure of the right hon. Gentleman. The whole of Sir Charles Stuart's expenses were occasioned by the Peninsular war. He actually held the reins of the Portuguese Government. He was a member, he believed, the sole efficient member of the regency, and was forced to incur the whole of his large expenditure, to discharge the high official duties of his situation. But the case was very different when the war had ceased, and when the ambassador was no longer a member of the Portuguese government,"*

There Lord Durham had given as a reason for the expenses of Sir C. Stuart's mission, his being an efficient member of the regency, and holding the reins of the Portuguese government. Then by this it appeared as if Lord Durham had anticipated the noble Lord's motion, and, at the very time that he was bringing forward his own motion respecting Mr. Canning, as if he were guarding against the attack that was afterwards to be made on himself; for he justified expense when, according to his own words, there must be a "large expenditure incurred in the discharge of high official duties." In the discharge of these duties he had declared, that larger expenses must be incurred. There had been many instances of cases in which large expenses were incurred upon special missions; and, before he sat down, he meant to read for the House a few of the cases in which they had been incurred. It might be thought that this was not a good system, and that it ought to be abolished. He did not think so. It had always been the system acted upon in this country. An ordinary salary was allotted for ordinary services; but, upon special occasions, and when persons were sent out specially, and had no limited time to stay, nor exact expenses to incur, a different course had been adopted. Here were a few of the instances in which special expenses had been incurred:—1808, Mr. Hookham Frere, Spain, 12,307*l.*, September 1808, to September 1809; 1808, Mr. Villiers, Portugal, 17,500*l.*, November 1808, to February 1810; 1809, Marquess Wellesley, Spain, 13,584*l.*, May to November 1809; 1813, Earl of Aberdeen, Vienna, &c., 15,220*l.*, August 1813, to September 1814; 1813, Earl of Clancarty, the Hague, &c., 29,005*l.*, November 1813, to May 1816; 1814, Viscount Castlereagh, Frankfort and Clermont, 11,000*l.*, January to June 1814; ditto, Vienna, 21,596*l.*. June 1814 to April 1815. What was the case with respect to those expenses? There had been considerable expenses incurred in the attendance upon Congress, at which the affairs of Europe were to be arranged. The objection to Mr. Canning's embassy to Lisbon was, that expenses were incurred where there was no court, and where there was no important business to be done. But Lord Castlereagh was engaged upon important business, and it was not his fault if great expenses were incurred. He did not believe, that any party in the House denied, that important duties were to be performed. It was not, and it could not be denied, that these important duties were to be discharged, and it could not be denied, that it was necessary, that a court should be attended to. Here, too, were most important duties to be discharged, and yet an endeavour was made to nibble at the expenses, to cut off a secretary, or to find fault with a number of servants, for the purpose of its being palmed upon the House as a kind of popular motion. But to proceed with the expenses of special missions:—1815, Lord Castlereagh, Paris, 13,500*l.*, June 1815, to January 1816; 1818, Lord Castlereagh, Aix-la-Chapelle, 7,948*l.*, August to December, 1818; 1825, Sir C. Stuart, Lisbon and Rio, 24,647*l.*, January, 1825, to October, 1826. This was a most important mission, for Sir C. Stuart was the bearer of proposals, of which they all recollected the consequences, as by them a constitution was introduced into Portugal. The expense of that mission, however, appeared to be 24,674*l.* He had quoted these instances and examples of special missions, for the purpose of showing that Lord Durham was not the first person sent by this country, who was not required to fix a very exact limit to his expenses beforehand. Where great and important duties were to be performed, the person chosen to perform them was one who was considered the person best calculated to execute such important duties. No exception should be made with respect to Lord Durham, in such a case, and under such circumstances. He found no one—not even the noble Lord who had brought forward the present motion—to find fault with the qualifications of Lord Durham, or to express a doubt as to the manner in which he would perform his duty. He said, then, that the state of Canada was most critical, and that much must depend upon the judgment and the energy shown by the noble Earl in the due execution, and the suitable performance of his duty. He said, that one of the great faults of the Government of these North American colonies was, that the station generally of the Governor of those colonies was not a station of more consideration, and of more importance than it had been, so that men of the highest talents might be induced to undertake the duties connected with the office of Governor. But, at all events, he did say, that at the present moment, they could not overrate the importance of those duties, or the necessity of having a man of the highest talents to execute them. Therefore it was, that he asked of the House, if it wished to see those duties well performed, not to cramp the exertions of Lord Durham, in performing such duties, by agreeing to the present motion. He asked of that House, if they were satisfied with the appointment that had been made, if they would not censure what was just, if they would not throw an impediment in the way of the good to be hoped from the future, not to agree to a paltry motion of this kind. It was wished that they now, by hesitating at the expense likely to be incurred, would indirectly express that want of confidence which the House would not express, when a motion to that effect was honestly brought before it.

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* Hansard, vol. xxxvi. p. 165.

Captain *Wood* was, he said, most willing to meet the challenge of the noble Lord, as to the character and talents of Lord Durham. They had not spoken of the character and talents of Lord Durham as they might have done, and they had refrained from doing so, not because they admired that noble Lord, but out of respect to her Majesty, who had appointed him. Respect for the prerogative of the Crown was no rule with hon. Gentlemen opposite. A noble relative of his own had been appointed by the right hon. Member for Tamworth, when in office, to the embassy of Russia; but hon. Gentlemen opposite searched the noble Lord's speeches, and found out an expression in which he (Captain Wood) did not concur, and which he believed the noble Lord himself scarcely felt, and had made this expression a reason for an address to the Crown, that the noble Lord should not be appointed to his important office. He (Captain Wood) thought, that if he were to search through the noble Earl's speeches, he might find him advocating the most extreme changes in the constitution, and prove him not to be the man to assuage in Canada those discontents, which the noble Lord had been so active in raising in England.

Mr. *James* was as anxious as any man in the House to promote a wise economy, but he did not see how anything in the nature of a wise economy could be promoted by the noble Lord's motion. He believed that Lord Durham had undertaken this arduous and onerous commission, most reluctantly—that, in fact, he had only undertaken it to oblige her Majesty: and he did not conceive that it would have been too much even if Government had given the noble Lord a *carte blanche* to spend whatever he thought proper; safely depending upon the noble Lord's high honour and integrity, not to spend one pound more than he deemed actually necessary for the purpose of carrying his important mission to a satisfactory result.

Colonel *Sibthorp* did not mean to do any thing which should disoblige her Majesty. The noble Lord talked of the motion being a paltry one; he had never heard a more paltry reply than the noble Lord's. The House was entitled to an explicit statement of what the expense of this mission would be. This was, forsooth, called a reformed, retrenching Government; but they seemed to him to be carrying on a continuous, fraudulent system of increasing the expenses of the country. The fact of the matter, as the noble Lord near him had just said, was, that Ministers found Lord

Durham rather an inconvenient neighbour, so they put the country to the expense of sending him a long distance, out of their way. Whatever opinion the noble Lord might have, about the reports circulated on this subject, he believed a great many of them to be well founded. The whole concern was a manifest job.

Mr. *Ellice*, jun., (St. Andrew's) at that late hour of the night, would trouble the House with but very few words. He did not see that it was necessary for any one on that side of the House, much less so humble an individual as himself, to defend the appointment of Lord Durham. The best proof of the excellence of that appointment was, the bitterness and malignity with which it was assailed by hon. Members opposite. The fury and vehemence with which hon. Members opposite attacked Lord Durham, would only render his character higher, and his appointment more popular than ever. He did not, of course, suppose that the people of this country would be ill natured enough to say, that the noble Lord, in bringing forward this motion, was actuated by any feeling of jealousy that he had not been deemed a better pacificator than Lord Durham, or that the hon. Seconder of the motion was influenced by any feeling of annoyance at not having been selected as the best possible legal adviser; but the people of this country would see and say that the motion was brought forward in a spirit of enmity to the political principles on the basis of which, it was well known that Lord Durham was about to proceed on his important mission. One word with regard to himself. It had been stated, that it would have been more economical if he had been paid a salary, and he saw, in a Tory print of that morning, that his salary was described as *l. s. d.* with nothing underneath. He could only state, that when the communication was first made to him with regard to accepting this appointment of private secretary, a salary was proposed. He, without a moment's hesitation, refused positively to go out on those terms, because he thought himself amply remunerated for any trouble or pains he should take in the mission that was to take place, by the happy results that he hoped would occur. Deeply interested as he was, in all that affected that country, if the result of the mission should cause a desirable change in the affairs of Canada, he should feel himself amply remunerated for any mere personal trouble that could possibly take place, and for the greatest services that he could possibly perform.

Sir *E. Sugden* rose merely in consequence of the allusions that had been made to the appointment of a legal adviser. Before an adviser could be appointed, of course he took it for granted that there must be something to advise upon. If it was to be upon the laws of Canada, he must remind the House of what had happened to the Hollander, who came to England to teach Dutch, and who found, that it was first necessary for him to learn English. So if the legal adviser was to go to Canada, to advise upon the laws of Canada, he must first learn them. But if this were not the purpose of the appointment, perhaps it was to advise as to what ought to be the constitution, or what permanent measure should be adopted with regard to Canada. He should object to either purpose. He should object to strike out a new constitution for Canada by the aid of any lawyer, however able. He hoped, therefore, as regarded the legal adviser, that they should hear a better account as to what were to be his functions. He wished to hear from the noble Lord (Lord John Russell) what really were to be the functions of that gentleman.

Mr. *Hume* having been alluded to in the course of the debate felt called upon to address a few words to the House. He must acknowledge that he heard with great astonishment, the whole of the debate on this subject. It was the first time that he ever heard economy professed by gentlemen on the opposite side of the House, and he could not believe, that they could be serious. It appeared to him, that hon. Gentlemen opposite had brought forward this subject, in order to annoy the gentlemen on that (the ministerial) side of the House; and this, too, without any serious intention of carrying it into effect. He had never heard a motion of this purport proceed from the other side of the House before that night. When he looked at what their conduct was with regard to Canada—when he saw them make no opposition to sending out brigades of guards and whole detachments of troops at an expence of about 400,000*l.*—were they, after this, to refuse a latitude to the individual who was to be accountable for the result of this very expensive preparation? It appeared to him, that by such a proceeding they were stultifying themselves. This was the language made use of by the noble Lord who made this motion. No man of sense could object to the words of the motion; but he judged of its object by the language used by those who brought forward the motion. What was the amount of the expenses of this mission, as appeared by the papers before the House? Not more than 3,500*l.* He saw nothing set down for the Earl of Durham. There was, indeed, the legal adviser, about whom so much fuss had been made. Some Gentlemen opposite, seemed to be very sore and jealous on this point. He called upon the noble Marquess to look at the real expense of this mission. There was nothing in the papers before the House, to show that the expense would be greater than the mission of Lord Gosford. If there was, let the noble Marquess point it out. If, indeed, he added to the expense of the mission, the expense of sending out so many regiments of infantry and squadrons of cavalry, there would appear to be a very considerable expense incurred by Lord Durham as governor, and his would be a very expensive Government. The proposal of the noble Marquess was to the effect which every body wished—namely, that the expense should be kept within reasonable bounds, consistently with the station of Lord Durham; but what was the language in which that proposal was made? The bitterness of that language showed, that there was something in the background. Was it not, in truth, an attempt to retaliate for the abortive mission of the Marquess of Londonderry? He should like to know, whether the noble Lord, the Member for North Lancashire approved of this motion or not. Did not the speech of the hon. and gallant Member for Middlesex show the bitterness with which this attack was made upon the Earl of Durham, and did not that speech show, that this motion was now brought forward, because the Marquess of Londonderry was attacked and prevented from going on his mission. Did not this debate show, that this was a mere formal question. This was not a question of ten, twelve, or twenty thousand pounds—the whole tenor of the debate showed, that it was a mere personal attack upon the Earl of Durham. It did not appear to him to be a question of economy one way or the other, but a mere personal attack, and he therefore could not support it.

Mr. *Lambton* said, it had not been his intention to obtrude upon the House on this subject, for reasons which it was not necessary to mention. But an expression had fallen from the noble Marquess in the course of this debate which he could not allow to pass in silence. The noble Marquess stated, that he considered the appointment of his noble relative a job. If the noble Marquess meant to say, that his noble relative had, in the slightest degree, shared or participated in what the noble Marquess called a job, he did say from the confidence he had in the high and honourable feelings of his noble relative, that a greater untruth had never been uttered against any man. ["Order!" and "chair!"]

The *Speaker* was sure the hon. Member would see the necessity of explaining the term he had made use of in the heat of debate.

Mr. *Lambton* said, he bowed to the right hon. Gentleman's opinion, and would say, that a greater mistake or misrepresentation had never been made. It did appear to him, that if ever the House was called upon to lay aside party feeling, it was upon the subject of this important appointment. In another place, when his noble relative was addressed upon this subject, he was treated by the most influential men of the Conservative party in what appeared to him to be a totally different manner from that which was exhibited on this occasion by the other side of the House. The most influential men of the Conservative party in the other House forbore, and generously forbore, from saying anything until they could form a judgment upon a consideration of his noble relative's acts. They said, they would do so when they knew what those acts were, but the same party in that House had thought proper to bring forward this motion before they could know what those acts were. The noble Marquess (the Marquess of Chandos) had acted in a totally different manner from that pursued in the other House of Parliament. The noble Marquess had, he thought, shown a want of fairness and courtesy in never having the slightest intimation sent to his noble relative that such a question would be put. The noble Marquess came down night after night putting these questions behind the back of his noble relative. It was perfectly competent for the noble Marquess to get any Peer who was actuated by the same sentiments as the noble Marquess to put questions to his noble relative. The noble Marquess knew that his noble relative had been in his place to answer any questions that should be put to him for many nights running. He could only say, that he would not have risen if it had not been for an observation which he conceived to have been personally offensive to his noble relative; and he could only say, in conclusion, that his noble relative had accepted this most important and difficult situation at great self-sacrifice; and he could assure the House that nothing on earth could have induced his noble relative to accept the situation but an imperative sense of public duty.

Lord *John Russell*, in rising to set the House right, begged to say that with regard to the first resolution he wished to move the previous question.

Sir *R. Peel* said, he had heard such extraordinary comments made in the course of this debate upon the motives of his noble Friend with whom this motion had originated, and upon the demand made in the House of Commons with respect to the public expenditure, that he felt it absolutely necessary to rise for the purpose of protesting against the precedent sought to be established. He thought, that the hon. Gentleman, who, with a very natural feeling, prompted by fraternal affection, had risen on that side of the House, could not imply, that the Opposition had shown any disposition unfairly to question the appointment of Lord Durham. He did not consider, that they were entitled to call in question the qualifications of the Earl of Durham for the office to which he had been appointed. Her Majesty had the unquestionable prerogative of selecting whom she should think proper to fill that office; and he should think it inconsistent with the respect which he owed to the Crown and the privileges which the Crown exercised, if he made the particular qualifications of the noble Earl the subject of discussion in the House of Commons. He must say, that he had not heard in the course of the debate upon the Canadian affairs any expression which Lord Durham had a fair right to complain of. He did believe, that never had any appointment been made which, considering the excitement that prevailed with respect to party politics, had been treated with more perfect fairness by the opponents of her Majesty's Ministers than the appointment of Lord Durham. He considered this question to be one entirely apart from the jurisdiction of the House of Commons; but, at the same time, he must contend for the absolute right of the House of Commons to bring forward propositions relative to the public expenditure. And he must say, that the noble Lord (Lord John Russell) had not discharged his duty in a manner becoming a Minister of the Crown when, upon this question of expense being raised, the noble Lord imputed it to unbecoming motives. What would have been said of the Opposition, in the Government, if the Opposition had questioned the expenditure of any public office, if no satisfactory answer had been given to the question, but they had taunted their opponents with unfairness, or if, in questioning the expense of a public establishment or arrangement, they had imputed to the Opposition that they had been influenced by motives of party hostility or mean malignity? Such conduct would have been justly characterised as little short of treason to the privileges of the House of Commons, and an insult to the understanding of its Members. In professing his concurrence with the course pursued throughout the Canada discussion, he neither meant to raise any question as to the qualifications of Lord Durham, nor did he then question them in the slightest degree; but, consistently with that intention, he had a perfect right, and after the manner in which he had been challenged he would exercise the right of inquiry, whether or not the establishment proposed for Lord Durham did not exceed the just bounds of economy? He did not in this respect find any fault with Lord Durham—the fault he found was with her Majesty's Government. He must say, that the first letter written by Lord Glenelg to Lord Durham, the first letter that appeared in the papers, was a letter without precedent as being addressed by a Minister of the Crown to a public officer. The House would from thence see, that if the establishment proposed by Lord Durham had been ten times more extravagant than it was, the imputation would not have rested upon the department which left Lord Durham the exclusive judge of his own expenditure. He would ask, was it ever known, that a Minister of the Crown addressed a letter of this kind to a public officer about to proceed in the execution of his duty? Supposing it were desirable to prescribe beforehand the establishment, what authority ought there be to limit that establishment? Was it the individual himself, or was it the Treasury, after communication with that individual, and with the department to which he was responsible [Lord *John Russell*; So it was].

The noble Lord said so it was. But look at the letter of Lord Glenelg. No previous arrangement having been made on the subject, it apparently never occurred to the Government to determine what ought to be the proper outfit or establishment. But here was the letter of Lord Glenelg:—

"Downing-street, March 24, 1838.

"My Lord—I have the honour to inform you, that a desire has been expressed by a Member of the House of Commons in his place, that a statement of your Lordship's establishment as Governor-General of the British North American provinces, and her Majesty's high Commissioner for the adjustment of certain affairs in Canada, should be laid before the House. Lord John Russell, on the part of her Majesty's Government, having assented to this request, I shall be obliged, if your Lordship will furnish me with a statement of your establishment for this purpose.

I have, &c.

(Signed) "Glenelg."

"The right hon. the Earl of Durham, G. C, B., &c. &c."

He would say then, upon the terms of this letter, which was to be consulted for the purpose of ascertaining the meaning of the writer, that it appeared to him that never were terms made use of which could more clearly acknowledge Lord Durham as the judge of the establishment which ought to accompany him to Canada; and he was surprised that Lord Durham, with the natural desire of every man going on any eminent service, in the first place, that that service should be effectually performed, and next, that those who accompany him should be amply remunerated, did not seek for a still more extensive establishment: but the treasury of the country should be the judge to correct this natural feeling in its officer, and to curtail within proper limits the establishment with which he ought to be accompanied. The course pursued by her Majesty's Government, he repeated, was entirely without precedent. He was bound to say of these estimates, admitting to the full extent the natural desire on the part of the noble Lord to insure the efficiency of his mission, and admitting also, that true economy often consisted in a sound and judicious exercise of liberality, admitting the weight of all these considerations, he was bound to say, that he thought the noble Lord's estimate of the expenses of his mission to be much larger than was necessary. First, there was a chief secretary, with a salary of 1,300*l.* a year, then a military secretary at 700*l.* a year, and then two under-secretaries; he did not mean to say 200 secretaries, though, perhaps in so saying he might only be anticipating what was to follow; no, but there were two under-secretaries at 300*l.* a year each, and then, besides all these, were to be a private secretary, and a legal adviser. Now, looking at these appointments only, if his opinion was asked on the subject, he was bound to say, that he considered them exceedingly large; he thought them enormous in reference to the duties which were to be performed. With respect to the legal adviser, with a salary of 1,500*l.* a-year, the noble Lord, the Secretary for the Home Department, said, that he was not in the slightest degree aware of who was intended to fill that situation. Now, that being the case, he was really sorry for the noble Lord's ignorance on the subject. The noble Lord was, in this instance, like the phœnix, a vast species alone, for he could venture to say, the noble Lord was the only man in the House who did not know who the legal adviser of Lord Durham was to be. He would undertake, at least, to say, that there were many Members composing what was termed "her Majesty's opposition" who could confidentially inform the noble Lord upon the subject if called upon. [*Name.*] He certainly should not have considered himself entitled to name the individual to whom he referred, as the communication had been made to him privately, and it might possibly happen that he was mistaken. But of this he was quite sure, that in the communication which had been made to him, a trap had not been laid for the purpose of misleading him. And as the hon. and learned Member for Liskeard was one of those who called upon him to name the intended legal adviser of Lord Durham, he would only say, that when the hon. and learned Gentleman said to him, "I shall not be among you when the controverted Election Bill is discussed," that observation gave him distinctly to understand, that at the period in question the hon. and learned Gentleman's face would be directed towards the western possessions of her Majesty. Now, this was an inference, which, coupling the declarations of the hon. and learned Gentleman himself, with the rumours which were previously in circulation on the subject, he thought a very remarkable one. [*No!*] Oh, then, the hon. and learned Member went out gratuitously, and in that case there was another candidate for the office of legal adviser. He thought, that when any one who knew the rumour previously in circulation, and then coupled with it the information which the hon. and learned Gentleman volunteered to confide to him, that he should not be here when the Controverted Elections Bill was discussed, he might very fairly infer, that nothing would induce the hon. and learned Member to abandon this measure, but the hope of rendering valuable service to the public by giving legal advice to the Governor-General of the Canadas. If he was mistaken in drawing this conclusion, he could only say, that he was extremely sorry for it; but that, at the same time, it was one into which he had fallen *bonâ fide.* However, the case might be, he must say, that he thought these half-confidences were very inconvenient, or at least the hon. and learned Member ought to have added a postscript, or warning note to this effect:—"Mind, I am not going to be legal adviser to the Governor-General of the Canadas." He must say, that he was rejoiced to hear, that the hon. and learned Gentleman was not to be the legal adviser of Lord Durham; not from any personal objection to the hon. and learned Gentleman, or from any doubts as to his qualifications for such an office; but because he thought that, if these appointments were too freely given to Members of Parliament, it might amount to a virtual evasion of the statute of Anne, which rendered the appointment to a new office inconsistent with a seat in that House. Now, as to the necessity for the office at all, he must say that, considering that the Act which Lord Durham would have to administer was one of the very plainest and simplest description, he thought that the taking out a law adviser upon the subject, in addition to all the other Secretaries, was quite unnecessary and uncalled for. Then, again, was the point of outfit, upon which he thought that the House of Commons ought to have some information. With respect to the motion of his noble Friend, the question was simply this; that the establishment of Lord Gosford was a fair precedent to regulate that of Lord Durham. Now he put it to the House whether there was anything unfair in this very simple proposition. The hon. Member for Limerick, who considered that Lord Gosford's establishment was too large, thought also that that of Lord Durham ought not to exceed it. If that were the hon. Member's view of the case, it would be impossible for him to oppose the present motion, for he who opposed the present motion, must either hold the proposition that this was a subject which was not within the legitimate cognizance of the House of Commons, or must be prepared to maintain that the resolution was niggardly and parsimonious in its allowance of expenditure. The hon. Member for Kilkenny had taunted the hon. Member who had succeeded him, for what had fallen from him on this occasion, but did the hon. Member mean succeeded him as Member for the county of Middlesex, or in the advocacy of the doctrines of economy? For it so happened, that the hon. Gentleman had not only ceased to represent the county of Middlesex, but also to uphold the right of the House of Commons to meddle in matters concerning the public economy, without exposing itself to the imputation of personal malignity, or disappointment, or other unworthy motives to those who brought the subject forward. The hon. Gentleman declared, that this was the first occasion on which the advocacy of economy had proceeded from this (the Opposition, side of the House.) Now, it was always a tedious and invidious task to enter upon comparisons between the economical arrangements of one Government or another—but he would beg to state a few facts illustrative of the feelings of Government when he (Sir R. Peel) and his Friends were in office. [Mr. *Hume:* I did not allude to you.] Oh, the hon. Member did not allude to him (Sir Robert Peel.) Perhaps, he only alluded to the younger Members of that side. However, he was going to show that the attack of the hon. Member against former Governments, on the score of want of economy, was unfounded; and he should proceed to prove what he averred, by citing the practice of the Government in a precisely analogous case, when he was at the head of the Treasury. On that occasion he, in conjunction with his noble Friend (Lord Aberdeen), advised his Majesty to send an individual out to the Canadas to perform certain duties. The individual selected for this appointment was an individual of the first rank and station, Lord Amherst; a nobleman holding the rank of Earl in this country, a nobleman of no obscure name or station, and one who had never filled any subordinate office, but had recently filled the office of Governor-General of India, with all the gorgeous and royal splendor which surrounded that appointment. In the next place, let them consider the duties which Lord Amherst would have to perform in Canada. His Lordship was to be Governor-General of Canada, and also his Majesty's Royal Commissioner; so that, as far as titles went, the appointment was very analogous to that of Lord Durham. The duties which Lord Amherst would have to perform were thus described in a letter, dated April 2, 1835, from Lord Aberdeen to Lord Aylmer, notifying to the latter nobleman the appointment of Lord Amherst:

> "This individual in the capacity of his Majesty's royal Commissioner, will repair to Lower Canada, fully instructed to examine, and, if possible, to terminate, the various points of discussion, in the hope of composing all those differences which have so long agitated the province, and which have deeply afflicted his Majesty's loyal subjects. For this end, it will be the object of his Majesty to renew an inquiry into every alleged grievance, to examine every cause of complaint, and to apply a remedy to every abuse that may still be found to prevail; for this end there is no sacrifice he would not cheerfully make which should be compatible with the fundamental principles of the constitution itself, and with the continued existence of the province as a possession of the British Crown."

The right hon. Baronet then proceeded to state the duties which were included in the commission of his noble Friend, who expressed his belief "that some comprehensive scheme of general education might be adopted." [" *Oh, oh !*"] Why, Sir, said the right hon. Baronet, the noble Lord was allowed to dwell on the important duties of Lord Durham's mission; and surely it is a legitimate course for me to show what those were which appertained to Lord Amherst's office. Show that I am speaking of matters which are inapplicable: answer me if you can, but do not suppose that you will succeed in doing so by uttering unmeaning sounds. I am contending that my noble Friend's duties were not exactly of equal amount to those of Lord Durham, but that they were, on the whole, most important, as he filled both the offices of Governor and high Commissioner. I don't say, that the two offices were exactly of equal importance; I make every just abatement on that account; but still they were of an analogous nature; and Lord Amherst, a person of high rank, and who had filled the most important offices, was selected for the former situation. Now, what was the establishment of, and the expense proposed to be incurred by Lord Amherst? And I ask the hon. Gentleman who has attacked the want of economy of a Conservative Government to compare the establishments, making every just abatement for the difference of duties of the two noble persons, and then to answer me this question, which of the two Governments has given the greatest practical proof of economy? I admit to the noble Lord, that he cannot extinguish the system of special missions. I acknowledge that it is exceedingly difficult to decide what expenses may be incurred in an extraordinary and temporary duty; and I say at once that the mission of Lord Amherst was a special mission, and that equal objections apply on principle to Lord Gosford's office of Chief Commissioner on a special mission also. But the establishment of Lord Amherst, as governor and Royal Commissioner, in what did it consist? Mr. Elliott was the single person appointed by the Government to accompany him. I believe on Mr. Elliott's recommendation a clerk was assigned him. There was also a private secretary. That was the whole extent of the establishment. Let those who are now at the treasury contradict me if I am wrong, but I believe, that the total charge incurred for the outfit did not exceed 1,000*l.* I believe, that the arrangements for that mission were completed, and that Lord Amherst was on the point of sailing, I may be wrong in my recollection (but if I be, I am subject to correction), and I don't believe, that the total charge incurred by the preparation of Lord Amherst for the voyage, with an outfit, exceeded the sum of 1,000*l.* Now, when I look at the expenses preparatory to Lord Amherst's departure to fill a situation of rank, and when I remember the duties which devolved on him, I ask the hon. Gentleman (Mr. Hume) whether he is warranted in saying, that a Conservative Government never gave any practical proof of economy? I will allow you to make every increase on account of the difference of duties, and yet I will still maintain this position, that the establishment proposed for Lord Durham does far exceed, does exceed in a fourfold degree—that establishment, for duties which were nearly analogous, provided for Lord Amherst. Sir, I protest, therefore, against the doctrine which has been maintained, that because we (the Opposition) question the expense of public establishments, you have therefore a right to answer us by saying, that our considerations are not those of public economy, but spring from hostility to the individual, or disappointment that Members at this side of the House are not favoured by being selected for those appointments. That charge, I say, is unfounded; but this charge I prefer against you who have been the constant advocates of economy, that when an individual participating in your political sentiments is appointed to a public situation you then show a tendency to forget the principles which you have professed; and that your political accordance with the man obliterates your recollection of the principles which you maintained against Governments to which you were opposed. And then it is, that you call the questions which we originate, paltry questions, not deserving consideration; and then it is, that you reconcile yourselves to an establishment when connected with the services of your own friend which had the position of political parties been reversed, he who sanctioned, he who advised, your proceeding, would be the first in high-sounding terms to denounce as aggravating the feelings of the country suffering under distress, and as evidence of a wanton and profligate disposition on the part of Government. With what triumph would you have referred to the avowal that your finances were in such a state that you could not part with a third of the soap-tax. How you, or some of you, would have dwelt on what I have before heard stated, that a great number of the hand-loom weavers might have subsistence provided for them by the sum allowed to the extravagant establishment which was proposed to be confirmed and sanctioned! But now, because that establishment is proposed for one in whose political sentiments you concur (you the class of which the hon. Member for Kilkenny is the representative and warmest advocate) forget the principle which you formerly avowed, and try in every manner to throw ridicule and contumely on those who act in a temperate and moderate manner in accordance with your practice; and you, through your leader, the hon. Member for Kilkenny, justly give rise to the imputation, not only that you have been succeeded by others in your seats, but that you are also succeeded by others in your advocacy of the principles of retrenchment and economy.

Mr. *C. Buller* had not the slightest wish to affect any concealment upon the subject of his connexion with Lord Durham's mission. With that mission he had connected himself at the request of the noble Earl, but not in the capacity of legal adviser. One word, as he was on his legs, on the general question. The question at that moment really before the House was, that the Earl of Durham in his special mission should be limited to the same amount of expenditure as the Earl of Gosford had incurred during his mission. Now, a great mistake prevailed respecting the expenses of the Earl of Gosford's mission. The return on which the noble Marquess had rested his argument, did not include the salaries of the secretaries and other officers belonging to the establishment of the Governor-general of Canada. These salaries amounted to 4,000*l.* a-year. The Earl of Gosford was also attended by two Assistant-commissioners, who received 2,000*l.* a-year each. The additional expenses, then, of Lord Gosford's mission, besides those included in the return to which he had before alluded, were 8,000*l.* a-year. But it was unwarrantable to put these two missions on the same footing, and to say, that, because so much money sufficed for the expense of Lord Gosford's mission, the same sum would therefore suffice for the expense of Lord Durham's. Now, there was no difference between the officers intrusted to these two noblemen! He contended that the authority intrusted to these two noblemen was very different. The Commission of the Earl of Durham, was, in the first place, much more extensive than that of the Earl of Gosford. In the next place, the Earl of Durham was invested with greater powers as Governor of Lower Canada, than any Governor had ever been invested with before. They had given to the Earl of Durham powers almost despotic; they had invested him with all the powers of the executive government of Lower Canada; and yet, they were then called upon to assert that the Earl of Durham ought not to have a larger sum to meet the expenses of his office than the Earl of Gosford had, who had all the aid of secretaries and other officers, belonging to the permanent establishment of Lower Canada. They should also take into consideration the great exasperation which prevailed at present in Lower Canada, and which would, of necessity, throw the Earl of Durham more than any of his predecessors upon the resources of those whom he took out with him. When the

Earl of Gosford had the aid of two Commissioners, with large salaries, was it too much to let the Earl of Durham have the aid of one legal adviser? When that noble Earl was going to settle such important questions in Canada, as they all knew he was sent out to settle, was it too much to grant him such a modicum of legal advice as he could procure for 1,500*l.* a-year? The confidence of all parties had been granted to that noble Earl. He repeated, that the confidence of all parties must have been granted to that noble Earl, when they determined to invest him with almost despotic power, and he would repeat the assertion, though he should be met again with cries of "oh!" from the disappointed Gentlemen on the opposite benches, and of "no, no!" from nobody knew whom. Would they, then, after confiding to the Earl of Durham the power of making laws for Canada, and of preparing a constitution, by which it was possible that our North American colonies might be governed for ages — would they show by the vote to which the noble Marquess wished them to come, that they valued a few paltry pounds more than the liberty of the millions which they had confided without reserve to the noble Earl? They had, already, given that noble Earl unlimited power; they could judge by no past precedent of the expenses which he must incur in the exercise of that power; and this motion was intended to cramp him in an unprecedented manner in all the circumstances which were requisite to give efficiency and success to his mission. He therefore trusted, that it would not meet with the approbation of the House.

Sir *S. Canning* wished to say a few words in reference to the allusion which the noble Secretary for the Home Department had made to the conduct of a revered relative of his, during his celebrated mission to Lisbon. An hon. and learned Gentleman opposite, had spoken, as if it were a hardship on the Earl of Durham that any limit should be placed to the amount of his establishment, and to the expenditure necessary to support it. Now, it might be recollected, that that noble Earl was the very person who had brought an accusation against his revered relative, the late Mr. Canning, on the occasion to which the noble Secretary had alluded. It might also be recollected, that Mr. Canning, in his justification of himself, against the charges preferred against him by the noble Earl, referred to the line of conduct which he had pursued on accepting the embassy to Lisbon, and that he had stated, that as soon as he found a question must arise regarding the "extraordinary expenses" of his mission, he had called upon the noble Lord then at the head of the Treasury, to fix something precise, by which he might guide himself in regulating those expenses. His revered relative did not choose to expose his character to the suspicions which might have been cast upon it had he allowed those expenses to run on uncontrolled by the Treasury at home. It was remarkable that at a distance of twenty-one years from that debate, the Earl of Durham should be claiming for himself, in his expenditure on a civil mission, that very latitude which his revered relative with a more statesmanlike feeling, had determined to discard.

Viscount *Palmerston* did not rise to dispute the full right of the House, or indeed of any Member of it, to question any part of the public expenditure; neither had his noble Friend near him ever questioned the existence of that privilege, either upon that or upon any previous occasion. That which his noble Friend had found fault with was the manner in which this motion had been brought forward, both as regarded the way in which notice of it had been given, and as regarded the unfairness with which it had been afterwards treated. It was not fair that, without any previous notice, further than that of an intention to call the consideration of the House to the expenses of Lord Durham's mission, a motion of censure should have been brought forward both against an individual on the point of starting on an important public mission, and against the Government which had appointed him to execute that mission. He maintained, that it was a censure on the noble Earl to assert that he had accepted an office of high rank and dignity to which undue allowances were attached, and on the Government to assert, that it had given him those allowances without a due regard to economy and retrenchment. The right hon. Baronet seemed to find fault with the Government because it had not made a full statement of the extent of the noble Earl's establishment, and of the amount of its necessary expenditure; and had complained that the letter addressed by his noble Friend Lord Glenelg, to the Earl of Durham, was not the usual mode of demanding from a public servant an estimate of the expenses of his proposed establishment. Now it ought to be recollected that his noble Friend the Earl of Durham, was going upon a special mission, and from the very nature of a special mission it was obvious that no previous establishment could be formed for it, and if so, that no estimate of its expense could be laid before Parliament. The reason why the return for which the noble Marquess had moved was given, was a desire to comply with his wishes, and the noble Marquess wished to have the return in order to have some sort of data for his present motion. The expenses which his noble Friend might be forced to incur in the execution of his mission could not be foreseen; and therefore a previous establishment could not be formed. The right hon. Baronet had complained of the extent of the establishment now given in by the Earl of Durham, and had compared it with the arrangement which the right hon. Baronet had himself made for the establishment of Earl Amherst. He had no objection to enter into that comparison, but before he did so, he would beg leave to say one word on the case of Mr. Canning, to which the right hon. Gentleman opposite had just referred. There was no similarity between the mission of Lord Durham to Canada and the mission, as it was called, of Mr. Canning to Lisbon. He thought at the time, and he still continued to think, that the sending an embassy to Lisbon at the close of the war was a wise measure, and that the expenses incurred in it were not greater than the occasion required and justified. The right hon. Gentleman could not feel greater admiration for his deceased relative, Mr. Canning, than he had always felt, and still continued to feel; but this he must say, that Mr. Canning's was not a special mission, but a regular embassy with a fixed salary—and that was the real difference between the case of Mr. Canning, to which the right hon. Gentleman had adverted, and the mission of Lord Durham, which was at that moment under discussion. He was now willing to enter into the comparison, to which the right hon. Baronet had challenged him, and to contrast the economy of the present Government with that of which the right hon. Baronet had been the head. Though he did not wish to throw any imputation on the right hon. Baronet as having encouraged an undue expenditure, he must nevertheless assert that the present Government stood as well on economy as that to which it had succeeded. In the first place, the Earl of Durham was going out to Canada on condition of charging the expenses which he actually incurred, and without having any specific salary fixed for his services. He also went out to a colony where there was no governor. Now, Lord Amherst went out to a colony where there was a regular governor with a salary of 4,500*l.* a-year, concurrent with his own salary as a commissioner. The mission sent out by the right hon. Baronet was, therefore, the more expensive of the two, as the country had two governors, and therefore two salaries to provide for. With regard to the outfit of the Earl of Durham, the right hon. Baronet was sufficiently acquainted with diplomatic details to know, that there was no allowance for an outfit made on a special mission, for all such charges were considered as part of the general expenses of the mission. Now, though Lord Durham had not with him a concurrent governor, enjoying a salary of 4,500*l.* a year, and though Lord Amherst had, there was a considerable sum allowed to Lord Amherst for an outfit. Both Lord Durham and Lord Amherst were to have a secretary with a salary of 1,500*l.* a year. On that point, then, there was nothing gained on either side. Lord Amherst, however, besides having his own secretary, had at his command the secretary and all the other members belonging to the establishment of the governor of the colony. It was only right, then, to add the expense of the governor's establishment to that which the right hon. Baronet had formed for Lord Amherst as Commissioner, if they wished to ascertain the real expense of Lord Amherst's mission. "Ay," said hon Gentlemen on the other side, "but Lord Amherst did not carry out with him a legal adviser." But did the House see nothing in the difference of the political circumstances of the colony at the present moment, and when Lord Amherst was on the point of going there?—did it see nothing in the difference of the duties to be performed by Lord Durham, and by Lord Amherst? — did it see nothing in the greater difficulty of the task imposed upon Lord Durham by the recent insurrection, which rendered it a matter of duty on the part of the Government in this country, to send out a legal adviser with Lord Durham, although none was sent out with Lord Amherst? Lord Amherst went out as a Commissioner to settle the disputes then raging between different classes of her Majesty's subjects.

His authority did not extend to Upper Canada: he had no legislative power. The existing Constitution was not suspended, and he was not called upon to draw up a new Constitution in its stead. But all this Lord Durham had to do, and, therefore, when the House saw the difference of the duties to be performed by his noble Friend, the Earl of Durham, and by Lord Amherst, he thought that it would agree with him in declaring, that it was the bounden duty of Government to furnish the Earl of Durham with a legal adviser. The Gentlemen opposite, on the present occasion, had not given the slightest intimation of their intention to move a vote of censure either against the Ministers or against the Earl of Durham. Their conduct was a departure from the ordinary practice and courtesy of the House. He must remind the House, that when the Canada Bill was before it, the right hon. Gentleman had objected to certain words in the preamble, because he would not, either directly or indirectly, incur any responsibility as to the success of the mission of his noble Friend. The right hon. Baronet said, he would give to Lord Durham those ample powers which the Bill conferred upon him, but that if he in any way identified himself with the noble Lord's instructions, he would be taking on himself a responsibility which he had no wish to incur. Now, the right hon. Baronet and his friends, according to this creed, were taking on themselves a responsibility in making this motion which they ought not to incur, if their object was to deprive Lord Durham of that assistance which Government thought necessary for the due performance of its functions; and, in conformity with the system they had adopted, of throwing on Government the whole responsibility, and leaving Lord Durham to perform his duties as he might, and reserving to themselves the right to find fault afterwards, if he and the Government should fail. They were bound not to attempt to induce this House to deprive Lord Durham of those means of discharging his duties which Government, acting on the responsibility thrown upon them, had thought necessary for the exact and efficient performance of them.

The Marquess of *Chandos* said, that the hon. Member for Durham had expressed himself warmly, in reference to a term of which he had made use, and which, he admitted, could not remain unnoticed. Now, he had not the slightest hesitation in saying, that he never intended to give the slightest pain to the Earl of Durham; but he certainly reserved to himself the right of criticising the conduct of her Majesty's Government, and the appointments they thought proper to make. The noble Lord opposite had accused him of wishing to take the House by surprise; but he must tell the noble Lord, that he was completely mistaken. He had given due notice of his intention to bring the subject before the House; and when the hon. Member for Durham charged him with discourtesy towards his noble relative, in putting questions behind his back, as he was pleased to term it, he must say, first, that he had not the honour of being known to the noble earl; and next, that it was not usual for Members of this House to communicate to Peers the course they meant to take on the public affairs. The practice of putting notice of questions on the paper, was entirely new ;and he remembered that he had himself put questions to Lord Althorp, when Chancellor of the Exchequer, on two occasions, in ten minutes after he had acquainted the noble Lord with his intention. He had heard nothing from the noble Secretary for Foreign Affairs, or any hon. Member on the same side, to induce him to change his opinion regarding the mission to Canada. He should only add, that he disclaimed all feelings of a personal nature in making his motion. He had been actuated solely by public motives, and had felt bound to do so, because the mission entailed on the country an immense expenditure, of which the House ought to take cognizance.

The House divided on the previous question, " That the question proposed by the noble Marquess be now put: Ayes 158; Noes 160:—Majority 2.

List of the AYES.

Acland, T. D.
A'Court, Captain
Alford, Viscount
Alsager, Captain
Arbuthnot, hon. H.
Ashley, Lord
Attwood, M.
Bagge, W.
Bagot, hon. W.
Baillie, Colonel
Baring, hon. W. B.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blennerhasset, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord
Buller, Sir J. Y.
Burrell, Sir C.

Canning, right hon. Sir S.
Cantalupe, Viscount
Chandos, Marques of
Chisholm, A. W.
Chute, W. L. W.
Codrington, C. W.
Cole, hon. A. H.
Cole, Viscount
Conolly, E.
Corry, hon. H.
Dalrymple, Sir A.
Darlington, Earl of
De Horsey, S H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Douro, Marquess of
Dunbar, G.
Dungannon, Viscount
East, J. B.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Ellis, J.
Estcourt, T.
Fector, J. M.
Feilden, W.
Fellowes, E.
Filmer, Sir E.
Fleming, J.
Follett, Sir W.
Forester, hon. G.
Gaskell, James Milnes
Gladstone, W. E.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Graham, right hon. Sir J.
Grant, hon. Colonel
Grimsditch, T.
Grimston, Viscount
Halse, J.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hayes Sir E.
Herbert, hon. S.
Herries, rt. hn. J. C.
Hillsborough, Earl of
Hodgson, F.
Hodgson, R.
Holmes, W.
Hope, G W.
Hotham, Lord
Houldsworth, T.
Hurt, F.
Ingestrie, Viscount
Irton, S.
Irving, J.
James, Sir W. C.
Jones, J.
Jones, T.
Kemble, H.
Kerrison, Sir E.
Kirk, P.
Knatchbull, hn, Sir E.
Knight, H. G.
Knightley, Sir C.
Law, hon. C. E.
Lefroy, right hon. T.
Liddell, hon. H. T.
Lockhart, A. M.
Logan, H.
Lowther, Viscount
Lowther, J. H.
Mackenzie, T.
Mahon, Viscount
Master, T. W. C.
Maxwell, H.
Meynell, Captain
Miller, W. H.
Mordaunt, Sir J.
Neeld, J.
Norreys, Lord
Packe, C. W.
Palmer, R.
Parker, R. T.
Patten, J. W.
Peel, right hon. Sir R.
Perceval, Colonel
Pemberton, T.
Peyton, H.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Visct.
Praed, W. M.
Pringle, A.
Reid, Sir J. R.
Richards, R.
Round, C. G.
Round, J.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Scarlett, hon. R.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Somerset, Lord G.
Stanley, Lord
Sugden, rt hn. Sir E.
Teignmouth, Lord
Tennent, J. E.
Thompson, Alderman
Trevor, hon. G. R.
Vere, Sir C. B.
Verner, Colonel
Wilbraham, hon. B.
Wodehouse, E.
Wood, Colonel T.
Wood, T.
Wynn, right hn. C. W.
Yorke, hon. E. T.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Baring, H. B.

List of the NOES.

Adam, Admiral
Aglionby, H. A.
Anson, hon. Colonel
Archbold, R.
Baines, E.
Bannerman, A.
Baring, F. T.
Bellew, R. M.
Benett, J.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blunt, Sir C.
Bodkin, J. J.
Bridgman, H.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Buller, E.
Bulwer, E. L.
Byng, rt. hon. G. S.
Campbell, Sir J.
Campbell, W. F.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Clay, W.
Clements, Viscount
Clive, E. B.
Codrington, Adm.
Craig, W. G.
Curry, W.
Dalmeny, Lord
Dennistoun, J.
Divett, E.
Duckworth, S.
Duke, Sir J.
Duncombe, T.
Dundas, F.
Dundas, hon. J. C.
Dundas, hon. T.
Easthope, J.
Ebrington, Viscount
Elliot, hon. J. E.
Ellice, Captain A
Ellice, E.
Evans, G.
Evans, W.
Fazakerley, J. N.
Ferguson, Sir R. A.
Ferguson, R.
Ferguson, rt. hon. C.
Finch, F.
Fitzsimon, N.
Fleetwood, P. H.
French, F.
Gillon, W. D.
Gordon, R.
Goring, H. D.
Grattan, J.
Grattan, H.
Grey, Sir C. E.
Grey, Sir G.
Guest, J. J.
Hall, B.
Harland, W. C.
Hastie, A.
Hawes, B.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hume, J.
James, W.
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Lemon, Sir C.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macleod, E.
Macnamara, Major
Mactaggart, J.
Maher, J.
Mahony, P.
Marshall, W.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Muskett, G. A.
O'Brien, C.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Paget, F.
Palmerston, Viscount
Parker, J.
Pechell, Captain
Pendarves, E. W. W.
Philipps, Sir R.
Philips, M.
Phillips, G. R.
Pinney, W.
Ponsonby, hon. J.
Power, J.
Protheroe, E.
Redington, T. N.
Rice, E. R.
Rice, rt. hon. T. S.
Roche, W.
Rolfe, Sir R. M.
Rumbold, C. E.
Russell, Lord J.
Salwey, Colonel
Sanford, E. A.
Seymour Lord
Shelburne, Earl of

Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Standish, C.
Stansfield, W. R. C.
Steuart, R.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Thomson, rt. hn. C. P.
Thornley, T.
Troubridge, Sir E. T.
Vigors, N. A.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, H. G.
Wemyss, J. E.
Westenra, hon. J. C.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilshere, W.
Wood, G. W.
Woulfe, Serjeant
Yates, J. A.

TELLERS.

Stanley, E. J.
Wood, C.

HOUSE OF COMMONS,

Wednesday, April 4, 1838.

Minutes.] Bills. Read a second time:—Cork Sessions; Sheriffs' (Ireland).—Read a first time:—Sale of Bread (Ireland).

Petitions presented. By Captain Alsager, from Tooting, in favour of the rating of Tenements Bill; and from certain Protestants, against further concession to the Catholics.—By Mr. Ferguson, from Kirkaldy, and another place in Scotland, against any further Endowments in the Church of Scotland.—By Mr. C. Ferguson, from Kircudbright, complaining of the present high rates of Postage.—By Colonel Butler, from five places in Kilkenny, for Corporation Reform.—By Captain Elliot, from Derry Island, against the system of National Education in Ireland.—By Mr. Turner, from Bradford, for a repeal of the Corn-laws.—By Mr. Wakley, from the Working Men's Association in Stirling, against additional Endowments to the Church of Scotland; and from Printers and others in the employment of Messrs. Bradbury and Evans, against the Copyright Bill.—By Sir W. Brabazon, from the Rector of Balla (Mayo), for an equitable adjustment of Irish Tithes.—By Mr. Baines, from two places in Yorkshire, and by Mr. Codrington, from Lewisham, for the immediate abolition of Negro Apprenticeship.—By Captain Meynell, from the Clergy of the Diocese of Down and Connor, against the present system of National Education in Ireland.—By Mr. E. Tennent, from several places in the North of Ireland, against some of the provisions of the Medical Charities Bill.—By Mr. F. Dundas, from places in Scotland, against the granting of further Endowments to the Church of Scotland.—By Mr. Pendarves, from Redruth, against the Order in Council of the 18th of July, 1837, for the Importation of Hindoos into British Guiana.

Protection of British Manufactures.] Mr. *Hawkes* moved the second reading of the British Manufacturers' Protection Bill. The Bill was one which affected the vital interests of this great empire, and in which the labouring classes were closely identified, and he trusted, that the House would permit him to enter into a brief statement of the grievances that the present bonding system inflicted on the manufacturers of British hardware. Foreigners made a practice or trade of bonding goods, and exporting them as British manufacture, with the names and marks of our most celebrated manufacturers, not only to their detriment, but to that of the numerous working classes employed by them. He considered it an imperative duty on a British Legislature to protect equally the interests of parties which constituted our national prosperity, and he called on the House to protect the various branches of trade now affected by the present bonding system. Though he did not wish to interfere with the free-trade system on reciprocal and equitable principles, yet he relied on the good sense of the House for the protection of the British manufacturers and distressed operatives, particularly at a crisis when trade was greatly oppressed. The hardware trades of Sheffield, and other places, suffered particularly by these practices, and in those places it would be a felony for a British subject to forge the names or marks of those who were entered at the Cutlers'-hall. Yet such was the fact, that agents were employed in this country for the sale of hardware and cutlery manufactured by the Belgians and Germans, bearing our marks and names, bonded and exported from this country in British bottoms to our colonies as British manufacture, to make the fraud complete. He should reserve himself for further comments for the Committee.

Bill read a second time.

Prisons (Scotland).] Mr. F. Maule moved the second reading of the Prisons (Scotland) Bill.

Captain *Gordon* had no objection to a uniform system of prison discipline in Scotland under the authority of a Central Board of Commissioners, but then the powers of those Commissioners should be limited. What he objected to in this Bill was, that an irresponsible board should have the power of assessing the people of Scotland to the amount of 30,000*l.* a-year. It was not his intention to oppose the second reading, but he hoped it would not be passed through Committee without giving hon. Members and the country time to judge of its merits.

Mr. *Lockhart* had several clauses to propose in Committee, but would not object to the Bill being read a second time.

Mr. *Pringle* objected to the Central Committee, but should not offer any opposition to the Bill in its present stage.

Mr. *Maule* said the Bill was introduced early last Session. Its principles had been affirmed by the House, and it was referred to a Select Committee. It was considered and much amended in its details by that Committee. Much opposition had been given to it by the country gentlemen of Scotland; but that opposition was now much mitigated. To establish one uniform system through the country a central board was absolutely necessary. And as for the mode of taxation objected to, it was provided by the twenty-second clause, that before taxation could be levied, the board would be obliged to make out an estimate of the funds required, which estimate was to be sent to the Secretary of State, who would lay it before Parliament, so that the board would not be enabled to proceed with any taxation until it had been before the public. Although 30,000*l.* seemed a large sum in the abstract, he considered it very small when the object to gain was considered. The report of Mr. Hill on the state of the Scotch prisons sufficiently proved the necessity of some measure. Under these circumstances, he hoped the Bill would be read a second time, and to give ample time for its consideration he would propose its committal for the second Wednesday in May. By that time he hoped the opposition to its details would be mitigated.

Sir *R. Peel* admitted, that some legislation was necessary on this subject, as, in a country like Scotland, where the prisons were necessarily small, the discipline was generally lax. It was only in large societies that public opinion exercised any influence. In some of the prisons in Scotland only two, three, or four inmates were generally to be found, and the office of gaoler almost fell into desuetude. It might not be objectionable to have a Central Committee or Board in the metropolis, which might afford the benefit of its experience to the more remote districts, and wean them from their too great leaning towards existing systems. He did not, however, think it desirable to supersede altogether the influence of country gentlemen, and it was with some concern he had heard that the gentlemen of Scotland had so much withdrawn themselves from all public business. He admitted, that a board of central control would possess great advantages, but if it altogether superseded the interference of the country gentlemen he feared the advantages would be purchased at too high a price. However well the system might work at first they would ultimately have reason to regret that the gentlemen of the country were precluded from interference. There was one part of the Bill which required serious consideration, because of the principle which was involved in it, and which might involve a dangerous precedent. He meant that part which related to assessments of entire districts. This arbitrary imposition of a tax was contrary to all constitutional principle. It might be said, that the amount was limited; but still the argument as to the principle was left untouched. If the principle were once admitted, it might be extended to the turnpike-roads, bridges, and all other local purposes, which were now under the control of bodies in general of a representative character. Then, if the argument against the principle could be got over, there were some objections as to detail. Some counties might already be well provided with prisons, and others might be deficient. If the assessment were to spread equally over districts those counties which had already made sufficient provision would naturally complain at being mulcted to make up for the deficiencies of those who had been negligent. Either it should be this, or the Commissioners must have a discretion to pronounce upon the counties, whether they were well or ill provided with prisons, and average accordingly the proportions to be paid. Where a distinction was thus made it would be difficult to come to a point which would give satisfaction to both parties. One party would think, that their prisons were not sufficiently valued, whilst the others would be of opinion that they had been rated too highly. He threw out these suggestions for the consideration of the House, and would conclude by again recommending that in any measure for the regulation of prisoners they would endeavour to win over the assistance of the local authorities, by inviting them to take a share in the control.

Mr. *R. Steuart* said, the remarks of the right hon. Baronet were of a very useful kind, and he was sure that his hon. Friend would give them his immediate consideration. The difficulties involved in the question of assessment had been felt and duly considered, and the result was, that the difficulties attending every other plan that had been brought forward were found to be greater than those attending the plan proposed in the Bill. He would, however, willingly agree to any other practicable mode of assessment, and he should feel great pleasure if, by giving the power to the head courts or otherwise, the rate-payers should be enabled to tax themselves, The *Attorney-General* fully agreed with the right hon. Baronet that local assessments should be laid by those who contributed to them; but at present those assessments were levied by officers appointed by the Crown, while the persons in whom it was proposed to vest the power would be appointed by Parliament. As representative of a very large constituency, he begged to thank his hon. Friend for the pains he had taken in preparing this Bill, and on the happiness it was likely to confer.

Bill read a second time.

Medical Charities (Ireland).] Mr. *French* moved the second reading of the Medical Charities (Ireland) Bill. He said, he had already explained to the House the object and nature of this Bill, and should not detain them by a repetition of his former statements. He was glad an opportunity was at last afforded him of drawing attention to the wretched condition of the sick poor of Ireland, and to the necessity of establishing a systematic and efficient plan of public medical aid. The subject of medical reform was not only important in its nature, but difficult in its execution; it was, he assured hon. Members, no easy matter to effect such a change as would at once promote the public welfare and secure the approval of the members of the medical profession, both of which, he frankly admitted, he considered it desirable to accomplish, if possible. It might be supposed, from there not being any connexion between political controversy and medical reform, that the subject of this Bill was one which could be debated on neutral ground, free from excitement of any kind; he was not, however, sanguine enough to suppose that a question affecting several influential interests, could be free from the irritation which usually followed the collision of hostile opinions, and, indeed, the petitions already presented to the House, and some publications sent forth to the world, showed that some angry feeling did exist amongst the parties immediately interested. Differing, however, as to the expediency of the contemplated alterations, all had concurred in admitting that a change of the present system had become indispensable; in the present thin state of the House, he did not deem it advisable to detain them by enumerating the different Acts of Parliament under which existing medical institutions were founded, nor should he enter on any general history of the medical profession, although it might serve to enliven the dull detail he should be obliged to trouble them with. He should go at once to the Bill, the second reading of which he was about to move, and to his doing so he did not anticipate any objection. Some Members might differ with him as to its details, but he did not imagine they would refuse their assent to its principle, which was to establish a competent professional inspection over the medical charities in Ireland, the only species of relief as yet afforded to the poor of that country. His only object was, that that relief should be properly administered and proportioned to the necessities of the people, neither of which it at present was; but although the medical charities were far from sufficient to afford adequate relief to the sick poor in Ireland, they were numerous, being between six and seven hundred, and a sum of 175,000*l.* was annually expended on their maintenance. From them upwards of a million and a half of persons annually obtained aid. Of these, including *intern* and *extern* patients, 146,000 were relieved by the infirmaries, the medical officers of which were gentlemen of a very superior class of education. About 17,000 were relieved by the fever hospitals and lunatic asylums; the remainder, considerably upwards of a million, depended solely on the dispensaries; the funds of which, he regretted to say, were frequently injudiciously applied, or grossly abused, and for the discharge of the medical duties of which no professional qualification whatsoever was requisite. Doctor Corr, Doctor Barrett, Surgeon Roney, and others, had pointed out numerous instances of persons presiding over dispensaries, not having any licence to practise as a physician, as a surgeon, or as an apothecary. It could not, then, be a matter of surprise to the House to learn from the medical reports which have been for some time before them, that with regulations so defective and an administration, if possible, still more loose and objectionable, abuses had arisen by which the funds destined for the relief of the sick poor were diverted to selfish purposes, and that a number of persons whose circumstances should place them beyond anything resembling gratuitous relief, now absorbed the funds, and occupied the time of the medical attendants of these institutions—time and funds which should be devoted exclusively to the sick poor, who were alone the legitimate objects of this species of relief.

Sir *E. Sugden* interrupted the hon. Member, stating, that as there could be no objection to the principle of the Bill, he thought it would be better, as the House was so thin, to take the second reading as a matter of course, and reserve the discussion until the Bill was in Committee.

Mr. *Lucas* said, that he was favourable to the principle of the Bill, but as the House was so thin he suggested that the Bill should be read a second time, and reserve the discussion for the Committee.

Mr. *Warburton* thought, that the House would not really be doing justice to the subject, which was a very important one, if it permitted the second reading to take place without a discussion. He was himself so far favourable to the principle of the Bill, that he thought that a superintending authority was required for the medical charities in Ireland; but then he differed in opinion with the hon. Mover of the Bill, as to the manner of carrying that principle into execution. On that account he must object to many clauses that were in the Bill. If the hon. Member went on, and if he had an opportunity of making a statement as a supporter of the Bill, it would not be right to allow the Bill to have a second reading without there being any answer to that statement.

Viscount *Morpeth* remarked, that his hon. Friend who had moved the second reading, waved his statement, upon the understanding that a discussion should take place at a future time. Perhaps, then, the hon. Member for Bridport would not object to the Bill going through a second reading that night, upon the understanding that an opportunity for debate would be given on the motion for going into Committee. He could assure that hon. Member, that although he wished the Bill to be read a second time, yet there were many provisions in it which he should not give any pledge that he would be found to support

Mr. *Warburton* remarked, that there was only one inconvenience in the course suggested by the noble Lord, and if it could be obviated he would make no objection to the course proposed. What was wished for was, that the arguments of those who were in favour of the Bill, and also the arguments of them who objected to it, should go forth to the public; and then that some interval of time would be allowed to elapse between the day upon which that discussion took place, and the day upon which the proceedings in the Committee should begin. The inconvenience the course suggested might be, that no interval would be allowed between one period and the other. If the understanding was as to the proceeding in Committee, that the discussion should take place on the motion that the Speaker do leave the chair, and then that the Bill should not be immediately committed, but that there should be an interval between that and the day for the Bill going into Committee, he should not object to any such course; but then the interval ought to be not less than a fortnight or three weeks.

Mr. *Wakley* felt the bill to be so objectionable in character, that if he possibly could, he would not permit one clause of it to be carried; and the principles of the hon. Gentleman's measure were so odious, that he must then notice that there were not forty Members present.

House counted out.

HOUSE OF LORDS,

Thursday, April 5, 1838.

MINUTES.] Bill. Read a third time:—First Fruits and Tenths.

Petitions presented. By the Marquess of SLIGO, from religious Congregations in Stoney Stratford, Swansea, Sidmouth, Uttoxeter, Ashton-under-line, Keswick, Arbroath, Belfast, Downpatrick, Killeshandra (in the county of Cavan), from several parishes in the counties of Durham and York, and other parts of the kingdom, by Lord GLENELG, from Derby, and by the Duke of RICHMOND, from various parishes in Lancashire and Yorkshire, for the immediate abolition of Negro Apprenticeship.—By Earl BROWNLOW, from Alford, in favour of Mr. Rowland Hill's plan of Post-office Reform.

HOUSE OF COMMONS,

Thursday, April 5, 1838.

COAST FISHERIES.] Mr. *E. R. Rice* moved "for copies of all memorials or other documents which have been received by her Majesty's Government since the 1st of January, 1832, complaining of the aggression of French fishermen on our coasts." Whatever difficulties (the hon. Member observed) there were at present as to the settlement of this question must become greater if the remedy for the evil were longer delayed. Every Member of the House, who had given the slightest attention to the subject, must admit how important it was to give encouragement to our national fisheries. It was sufficient, therefore, for him to state that the evils which were complained of for some years past had increased. He believed it to be an acknowledged principle of international law, that the coast should be considered part of the territory of the country. This principle was sanctioned by Acts of Parliament passed in this country, and was confirmed by the conduct of the French and Dutch Governments. In accordance with it, the French had forbidden our boats to approach nearer than within nine miles of their shore, though he was not aware whether this distance was measured according to the indentations of the coast or from headland to headland. He did not complain of the French Government for taking these precautions, but he claimed protection for our own fishermen in their right of fishing on our own coast. The French boats were of larger tonnage, and carried a much greater number of men, having eighteen to twenty for the crew of each boat, when our boats were only capable of holding five men. The consequence was, that they not only destroyed the nets of our fishermen and cut their boats adrift, but they frequently boarded our boats and carried away the fish. This was a system of intolerable annoyance which the noble Lord, the Secretary for Foreign Affairs, ought not to allow to continue. He did not blame the present Government for the present state of our fisheries. The evils of the system were one of those unwelcome legacies which had been handed down from former Administrations; but he trusted, that such a remedy would be now applied as to prevent the possibility of the continuance of what was not only a check on our national industry, but a stain on our national honour.

Captain *Pechell* said, that although his hon. Friend had, as it were, been poaching on the fishing ground that he had claimed for his own Parliamentary privilege and occupation—he should cordially second the motion and co-operate to the utmost in its object; for it was melancholy to see the difference between the encouragement given to our fishermen and those of France by their respective Governments. In 1829, there were nine affidavits laid before the Treasury of the aggressions committed on the Dover boats; but the Duke of Wellington said he could find or suggest no means to remedy the grievance, but that the fishermen should go to sea in such numbers as to protect themselves. The danger was believed to be so great last season that the Brighton fishermen gave up their harvest. All along the Suffolk and Sussex coasts, the fishermen were (to use their own phrase) "as thick as bees, and as poor as rats," and prayed especially for a couple of ships of war off Hastings and Brighton.

Viscount *Palmerston* said, that the Government was fully sensible of the bearing of this question on the national industry; but, at the same time, he must assert, that the settlement of this question was attended with greater difficulty than hon. Gentlemen might at first sight think. Some months ago, the French Government had, on the application of the English Government, established a commission at Longueville on the subject of the oyster question, but it had not yet brought its labours to a conclusion. The cause of quarrel was, some years ago, a boundary line was fixed very unfavourable to the British fishermen, who thereupon had been tempted to trespass. The French fishermen had, on their part, been tempted to retaliate. However, judging from the friendly feeling prevailing between the two Governments, he hoped that some understanding would shortly be arrived at which would prevent these unpleasant collisions. With respect to the ships of war, he hoped that hon. Members would see that if any other means could be adopted it would be more consistent to resort to them in the first instance, and not to resort to a mode which might perhaps embroil the parties still more, and seriously interfere with the happy relations which now existed between the two countries.

Mr. *Bell* offered his acknowledgments to the hon. Member for Dover for having brought this important question under the consideration of the House. He had presented numerous memorials and some statements of well-authenticated cases of aggression committed by French fishermen on the fishermen of the county of Northumberland. In these attacks, the aggressors had many times destroyed property to the value of 20*l.* or 30*l.*; and, only in August last, a fisherman named William Oliver was attacked in his boat by three Frenchmen, who very nearly strangled him; and this gross outrage, he could assure the House, was perpetrated merely because Oliver had requested the French fishermen to keep clear of his nets. It was well known, that the fishing-boats of Northumberland carried only two or three men and a boy, whereas the French boats were manned with six, eight, and ten men each, so that any attempt at resistance would be entirely unavailing. These attacks were generally made in the months of August and September, at the time of the herring-fishing, and as the right hon. Gentleman, the President of the Board of Trade, had so far listened to his appeals in respect to the fishermen of Northumberland as to promise them the protection of an armed vessel during the next herring season, he would not, on the present occasion, trouble the House further than by expressing a hope that the negotiations now pending might be brought to a successful termination.

Motion agreed to.

Captured Slave Vessels.] Captain *Pechell* rose to move for a return of slave vessels brought before the several courts of mixed commissions for adjudication between the 1st of January, 1828, and the 1st of January, 1838, stating the names of the seizor, and the decretal part of the sentence, whether forfeiture or restitution, with or without costs. The gallant Officer stated, that twenty-nine vessels had been captured under the equipment treaty concluded with Spain, nineteen of which were empty, and nine contained slaves. This fact was, in itself, a complete refutation of the statement made by a high authority that British officers refrained from capturing vessels while lying on the coast unladen, in order that they might seize them after they had taken on board their cargoes. The gallant Officer was proceeding, when the House was counted out.

HOUSE OF LORDS,

Friday, April 6, 1838.

Minutes.] Petitions presented. By the Duke of Cleveland, from parishes in the county of Durham, by Lord Kenyon, from places in Yorkshire, by Earl Fitzwilliam, from Rumsay (Somersetshire), Holywell, and other places in Yorkshire, Portsmouth, Halstead (Essex), and from Leek and other places in Staffordshire, by the Duke of Northumberland, the Marquess of Sligo, the Duke of Richmond, from Boston (Lincolnshire), and by Lord Lyndhurst, from the Females of the following places—Lowmore, Bingley, Stayland, Somerby, Greekland, and Rippendale, for the abolition of Negro Apprenticeship.—By the Earl of Rosebery, from Stirling, and another place in Scotland, against further Endowment to the Church of Scotland.—By Earl Fitzwilliam, from the Operatives of two manufacturing towns in the West Riding of Yorkshire, for better regulations respecting Factories.

New Poor Law.] The Earl of *Winchilsea* gave notice, that after the recess he would bring forward a motion having for its object some improvements in the New Poor-law; giving, in the first instance, a power to the board of guardians to regulate the dietary without the control of the Commissioners; and proposing, in the next, a declaratory clause respecting out-door relief. He would also propose a prohibitory clause; for, although he was a decided friend to labour in the workhouses, and would be the last person to offer opposition to anything in the way of labour, yet, as abuses had crept into some of the workhouses, more especially one in the county of Kent—namely, that belonging to the Bridge Union, he should feel it his duty to call their Lordships' attention to the subject, with a view to some fresh enactment respecting it. He had received a letter from a gentleman who bore the highest character for humanity, from which it appeared that in that Union relief was only afforded in connexion with punishment. It stated, that persons applying for lodging and provisions for one night, were compelled to carry a bag of sand 56lbs. in weight for one hour, in order, as it were, to qualify themselves for the required relief; and, further, that if they remained in the workhouse during the next day, they were obliged to carry this bag of sand (of which he had a sample in his possession that had been sent to him) for two hours. Now, this he considered to be a perfect breach of the act. He drew the attention of their Lordships to the circumstance now for the purpose of giving it publicity, so that the Commissioners might make the necessary inquiry to ascertain whether the statement was true or not. The letter in his possession mentioned the case of an individual upon the writer's own property. It was the letter of Sir Henry Hoskins; and that gentleman stated, that a man with a wife and three children, who had sustained himself and family for a month during illness, went at the request of his wife to the Bridge Union, and while in the workhouse was compelled to carry one of these bags of sand, in consequence of which the man died from overwork. He, therefore, felt that some decided enactment should take place to prevent a recurrence or continuance of such a state of things. Although he was a decided friend to the New Poor-law Act, he thought that there were some things connected with its working which might be beneficially amended.

Earl *Fitzwilliam* thought, it impossible that the question should not suggest itself to the mind of every noble Lord who had attended to the statement of his noble

Friend, whether any representation had been made to the Board of Commissioners with reference to the conduct of this Bridge Union. Against the board it was clear that no charge could be substantiated, unless it could be proved that such representation had been made without meeting with the due degree of attention. His noble Friend appeared to be desirous that additional powers should be given to the local boards, and that they should be placed less under the supervision of the Board of Commissioners, though the very *gravamen* of his noble Friend's complaint was, that the local board had misconducted itself. All that he was anxious for was, that the system, as it now exists, should not be unnecessarily interfered with. He was satisfied that system would still continue to produce, as it had already produced, very beneficial effects; and he, therefore, felt anxious that no incautious attempt at amendment should be made.

Subject dropped.

The Irish Church.] The Earl of *Ripon*, in rising to move for certain accounts connected with the receipts and expenditure of the Ecclesiastical Commissioners for Ireland, said, that he was one of those who, in 1833, had concurred in recommending to Parliament a measure which was generally known by the name of the Irish Church Temporalities Bill. He had always felt a great interest in the working of that law, not merely for the sake of consistency, as he had shared in recommending its introduction, but because of his being actuated by a strong feeling that the good working of that measure was, in a great degree, essential to the maintenance of the Church in Ireland, and that no measure had yet been proposed, or could be brought forward, for the settlement of the Irish Church question, which did not bear a direct and intimate connexion with the principles and provisions of the law to which he referred. The bill of 1833 originated in advice given to his Majesty by the Administration of that period; and the recommendation which his Majesty gave to Parliament in consequence, at the commencement of the Session, was in these words—"That in your deliberations upon this important subject, it cannot be necessary to impress on you the duty of carefully attending to the security of the Church, as established by law in these realms, and to the true interests of religion;"—words in which was unequivocally announced the principle upon which it was expected that Parliament should proceed to carry the recommendation into effect. It was perfectly true, that in the following paragraph notice was taken of the peculiar circumstances in which the Irish Church was placed. But when he read the paragraph their Lordships would perceive that there was nothing in it which tended, in the slightest degree, to separate the Church of Ireland from the general principle laid down in the previous paragraph. The paragraph to which he referred was as follows:—"In the further reforms which may be found necessary, you will probably find, that although the Established Church of Ireland is by law permanently connected with the Church of England, the peculiarity of its circumstances will require a separate consideration." Why, this very paragraph reiterated in the strongest terms the permanent union by law of the two Churches of England and Ireland. In clear conformity with these principles was the language used by the Ministers of the Crown in explaining the views with which they introduced this measure. The then First Lord of the Treasury (Earl Grey) observed, that "any apprehension which might be entertained by the friends of the Church was guarded against by the very construction of the King's Speech; and assured the House of his desire to provide for the Church of Ireland on truly Conservative principles." Such were the sentiments entertained by the Government of that day; and it was this language which induced him, in common with many others, to become a party to the sweeping change effected by the Bill. The law itself was embodied in terms expressive of this Conservative principle. He did not mean to say, that there were no objections made to its progress in Parliament. What he meant to convey to their Lordships was his conviction, that, considering the nature of the measure—considering that it swept away no fewer than ten bishoprics, and dealt, with an unsparing hand, with various ecclesiastical corporations in Ireland, it was not likely that such a measure would have been permitted to pass, unless the language of the Government and the wording of the provisions of the Bill were such as to give to the friends of the Church a security that the rights of the Church would be preserved inviolate. The sentiments of the noble Earl were repeated emphatically by the other Members of his Government, and by none in terms more distinct than by the noble Marquess who was then, and is now also, President of the Council. The Bill, although strenuously opposed, was finally carried. The preamble of the bill detailed the objects for which the bill sought to provide, and recited that means could be secured by an improved management of the funds of the Church itself, out of which it proposed to provide the necessary expenses for the administration of divine service, for the annual repair of the churches now in existence, the erection of new churches and glebe-houses in places where they might be required, for the formation of small livings, "and other objects, which were essential to the efficiency, permanence, and stability of the union between the Churches of England and Ireland." The preamble, therefore, stated first, that it was essential to the permanence and stability of the Church: and, secondly, that it was the duty of Parliament to give effect to this principle. In short, a distinct pledge was given for the attainment of these objects. How came these words into the preamble of the bill? It could not be by accident. It was not surely for delusion. It was not merely to secure the passing of the bill without caring one straw for its effects. The character of the noble Lord who was then Secretary for Ireland—the character, in short, of all the parties concerned, forbade so injurious a supposition. The words must have been advisedly introduced. It was impossible to look at this Act without feeling that it did establish a Parliamentary pledge that its objects should be attained. According to the terms of the Act, the Church could not acquire the character of security or permanence until those objects were secured. The Act created a Commission, to which it gave great powers—powers which many persons were disposed to dispute the propriety of conceding. The Commissioners were, however, placed by Parliament in the situation of guardians and protectors of that Church; and the circumstances which had since occurred had increased tenfold, nay, a hundredfold, the importance and responsibility of their duties. Was not the Church of Ireland now assailed in a manner unheard of before? Did not the language held by her opponents now consist, not merely of complaints of the inconvenience resulting from the collection of tithes—not merely of a general and vague dislike—but had it not swelled into positive denunciation? Had not the Church of Ireland been stated to be a positive grievance, and so stated, too, in a high quarter? Were not the friends of the Church, therefore, naturally most jealous with regard to any encroachment on her rights? The Church of Ireland was affected, he believed, very injuriously by the resolution which passed the House of Commons in 1835—a resolution which, if (consistently with his respect for the other House of Parliament) he could express fully what he thought of it, he would say, was the most absurd, the most impracticable, and the most mischievous resolution to which a Legislative Assembly had ever come. That resolution was hailed with triumph by the enemies of the Church, but was received with alarm by her friends. By that resolution his Majesty's Government were bound hand and foot, and year after year they had vainly introduced measures with the view to carry that impracticable resolution into effect. And, for his part, he could see nothing in those measures but that the vain imagination that a surplus existed induced them to endeavour to create a surplus by first creating a deficiency. Successive schemes were tried, each exceeding the other in absurdity; and as the question as to the necessity of coming to arrangement, upon which all parties were agreed—that of tithes—was left unsettled, because the principle of that impracticable resolution was still thrust forward. To return to the commission, which was appointed in 1833, it was required that they should make an annual report in the month of August to the Lord-Lieutenant of Ireland, which the Commissioners accordingly made year after year. These reports, which he held in his hand, contained at the end a balance-sheet of each year's receipts and expenditure. It might be interesting to their Lordships to hear the details of this subject. In the first year the receipts from various funds provided by the Act were rather more than 20,000*l.* In the following year they were something more than 32,000*l.* in the third year, 37,000*l.*; and, during the last year (1837), they amounted to nearly 38,000*l.*, excluding, of course, all money borrowed from any public fund; and also excluding all that portion of their receipts which were derived from the sale of perpetuities. He alluded now to the bishops' lands, the perpetuity of which the Board was empowered to sell out to the tenants. According, however, to the mode in which the Commissioners were directed to deal with the monies which came into their hands, the produce of the sale of the perpetuities was not to be applied to the current expenses of the Commission, but was to be invested in some security bearing interest and there was to be applied the current expenses merely the interest of the capital sum produced by the sale of those perpetuities. If, therefore, the Commissioners had been obliged to pay to the Government any sums borrowed by them for the purposes of the Commission, it was clear that they had been living on their capital. The income then of the Commissioners under the Church Temporalities Act amounted, as he had said, to rather more than 131,000*l.* in four years. Now, then, for the expenses of the Commission. Of course in the expenses he included all disbursements made in repayment of debts which had been incurred. A sum of 100,000*l.* had certainly been paid to the Government, but the funds at the disposal of the Commissioners were not in a much better state on that account, for he believed that a second 100,000*l.* was borrowed, merely for the purpose of paying off the first. But with regard to the expenses incurred, it would appear, that in the first year, the income, rejecting hundreds, being rather more than 20,000*l.*, the expenditure amounted to 31,000*l.* In the second year, the income amounting to 32,000*l.*, the expenses were 74,000*l.* In the third year the expenditure swelled up to 108,000*l.*, while the income at the disposal of the Commissioners was but 37,000*l.*; and in the fourth and last year, the income received being 38,000*l.*, the expenses incurred amounted to 123,000*l.* being for the whole four years 357,000*l.* If, then, their Lordships would deduct the receipts from the expenditure, they would find that the expenditure exceeded the income by no less a sum than 229,000*l.* Now, that was not a very flourishing condition for persons to be in who were charged with the completion of objects of so much importance as the efficiency, security, and stability of the Established Church in Ireland. Their Lordships would, therefore, not be surprised to hear, that so far from these objects having been completed, nothing had been begun. Nothing had been done towards the building of new churches, the building of glebe-houses, or the improvement of small livings. Now, let them look at these three objects. There was, in the first place, the building of glebe-houses. It appeared from the report of another set of Commissioners, who called themselves by the coxcombical title of Commissioners of Public Instruction, no such name being given to them by the instrument of their appointment, that in 534 benefices in Ireland there were no glebe-houses at all. Now, let their Lordships recollect what benefices were in Ireland. A living did not consist of merely one parish, but of unions of parishes in many cases; and if these 534 benefices were divided, as they ought to be, into parishes, and these absurd unions were broken up, there would be a necessity for a great increase of glebe-houses, and it would be necessary to build such glebe-houses in at least a thousand parishes. From the statement which was returned of the number of applications made to the Commissioners to build glebe-houses, of the number of applications granted and the number refused, it appeared that the Commissioners inherited from the Board of First Fruits forty-seven applications, which were under consideration when the Board merged in the Commission, and that since that period there had been forty-three new applications, and, therefore, in all there had been ninety applications for assistance of this nature. Upon this statement the Commissioners made this very satisfactory remark—" All these applications have been deferred, as by the provisions of the Church Temporalities Act all building of glebe-houses is to be deferred, till there is a surplus income." But with the statement which he had laid before their Lordships of the relative amount of income and expenditure, would any man tell him the time when it would be possible to do it? Who would venture to fix the period when a surplus would accrue? He was sure that none of their Lordships then present, would live to see it done. Then, again, with respect to the building of churches, it appeared from the same report which he had before quoted, that 210 benefices in Ireland had no church at all, and looking, as he had before recommended their Lordships, at the number of parishes instead of the number of benefices, they would find that the number of new churches wanted would be greatly increased. He would add, while speaking of the deficiency of churches, that it was not the mere want of churches in benefices or parishes which the Church of Ireland had to lament. In many of the churches now built there was not room enough for the Protestant inhabitants of the parish, who, as appeared by the report of the Commissioners themselves, were most anxious to attend. Upon this head there was a circumstance worth adverting to, which was to be collected, or rather extracted, from the report of the Commissioners of Public Instruction. One of the matters on which they were ordered to report was, whether in each of the parishes the members of each church in Ireland were increasing, stationary, or diminishing. Now, there were about 2,400 parishes in Ireland, and out of these there were 1,200 in which, comparing the number of Protestants in these parishes in 1834 with those living at the time of the census in 1831, the number of Protestants was stated to be increasing. Why, then, if the Protestants were increasing, it followed as a necessary consequence, that increased Church accommodation would be required. If, then, what he had stated with respect to the funds at the disposal of the Commissioners was correct, their Lordships would see that they could provide no funds for building new churches, and that although they had applied much money towards the repairs of old Churches, they would not be able to give anything for the rebuilding of old churches which had gone too far for repair, or for building new churches in parishes where there was no church at all. And, their Lordships would observe, this was not from any want of applications—quite the contrary. Repeated applications had been made to the Commissioners on the subject, stating that the applicants were ready to bear a part of the expense, but the Commissioners could only say, "We are very sorry for you, but we can give you nothing." Then with respect to the improvement of small livings. It was stated in the speech from the throne at the time, that it was desirable to effect an improvement in the small livings, and the more equal distribution of the revenues of the Church. From that recommendation it was to be inferred that it was intended that the larger livings should be reduced, and the smaller ones augmented. Now how stood the nature of the demand in that respect? Out of 1,485 benefices in Ireland, no less than 465 varied from 30*l.* to 200*l.* a-year. The act authorised an augmentation to the extent of 200*l.*—that was to say, that all livings below that scale should be augmented by the Commissioners. But besides these livings, varying between 30*l.* and 200*l.*, there were 118 benefices, of which the income varied from 200*l.* to 250*l.* Now, their Lordships would not have forgotten that part of one plan for the settlement of tithes, which had been submitted to Parliament for its consideration, was to diminish the tithe composition by three-tenths. They would see in a moment, therefore, that this principle, when applied to this latter class of livings, would bring them all down below 200*l.*, and that the maximum of income derived from such a living would be about 175*l.* Then again, if all livings were to be reduced in the same proportion they would have a minimum income of about 20*l.*, and a maximum of 175*l.* Now, he believed, that if it was intended to raise all these livings to 200*l.*, there would be required for that purpose alone an annual income of 60,000*l.*, and there was not a farthing available. He did not mean to say that he felt called on to suggest any mode of increasing the revenues thus placed at the disposal of the Commissioners; it was not his business to do so, but he did say that whenever, and by whomsoever, their Lordships might be called upon to deal with the tithe question, they would be bound to keep in view the destitute condition in which he had demonstrated the Church of Ireland to be placed. They would recollect that, by way of substitution for the first-fruits and tenths, a charge was laid on benefices, by a gradual scale of taxation, varying from 1 per cent. at the lowest to 15 per cent. at the highest. The produce of that tax was estimated at the time the act was introduced at 40,000*l.* a-year but it turned out that that was found to be an erroneous calculation, and it appeared that the Commissioners estimated it at 22,000*l.* Now, out of this sum 9,000*l.* was raised by a per centage on bishoprics, therefore the amount of 13,000*l.* was produced by the tax laid on benefices. While, however, a tax of three-tenths of the tithe composition was laid on the smaller benefices, the revenue was diminished out of which the augmentation of small livings was to be effected. He did not pretend to suggest, as he had said before, any mode by which this deficiency could be made up. It was no part of his business to do so; but he would say, that if Parliament could not assist the clergy, he thought they might expect, and he did not say that they would not receive, something of kindness and favour from the Government, and a bold declaration of their determination to support the Church. That would, he admitted, not build churches, or glebe-houses, or augment the income of the man who was reduced to a pittance of 20*l.* a year; but it would give the clergy heart and spirit, and, with God's help, it would perhaps enable them to surmount the dangers to which the Church of Ireland was exposed. The noble Earl concluded by submitting his motion for certain accounts connected with the receipts and expenditure of the Ecclesiastical Commissioners in Ireland.

Viscount *Melbourne* said, there could be no objection to the production of the papers for which his noble Friend had moved, and certainly there was no necessity for giving notice of a motion for these returns. His noble Friend had made a number of observations on the act of 1833, to which measure, however, his noble Friend was a party, and, therefore, he did not feel called upon to reply to his noble Friend's observations. He could not help feeling, however, that the observations in reply to his noble Friend would fall more appropriately from other noble Lords opposite, who opposed that measure, and who said that it would prove dangerous to the Church, and injurious to its best interests. For his own part, he adopted entirely the view that his noble Friend took of the subject, namely, that the bill was calculated to uphold the Church, and had had that effect; and he also agreed with him that as far as that bill afforded the means it was the duty of her Majesty's Ministers to carry out the principles of it, and to give stability to the Church establishment. He did not, however, think that it was the duty of the Government to take those steps relative to the tithe question that had been advised by his noble Friend. It must be in the recollection of their Lordships that the contests relative to the tithe question existed long before this measure was brought forward, and that it was supposed that this bill would put a stop to them. He thought that it would not be denied that the tithe contests had rather diminished than increased since the period when that measure was passed. With respect to what his noble Friend had said in relation to the Commissioners, he did not understand his noble Friend to censure the mode in which they discharged their duties, but only regretted that the amount of funds at the disposal of the Commissioners was not so great as it had been anticipated would be the case when the measure received the sanction of the Legislature. It could not be denied that in this respect the bill had something of a speculative character, and that it was often the case in railway bills and others of the same description, that the amount of money to be supplied from the probable resource was found to be greatly below the amount that the framers of the measure supposed. It appeared, however, that the probable amount of increase had been greatly exaggerated, and if the statement of his noble Friend was correct, there had been a lamentable falling off indeed in the calculation. When the bill was before Parliament some noble Lords opposite stated that there would not be any income derivable under this bill, and he recollected that in particular one noble Lord (Lord Ellenborough) stated that the funds under this bill would be found altogether insufficient for the purposes to which they were proposed to be applied. His noble Friend, however, showed that this view of the subject was also exaggerated, and he stated the case as it really was, and had also pointed out what had exhausted all the funds that the Commissioners had obtained. His noble Friend said, that the present state of the Irish Church was very sad, and added, that it was not possible for him to suggest a remedy. For his own part he was ready to confess that he did not know how the present evils were to be remedied, but he was not willing to fall into such a despondency as his noble Friend. He thought, that, in the course of time, some means would be found to remedy these evils, and that no better step could be taken, in the first instance, than the settlement of the tithe question. His noble Friend had animadverted with great severity on the resolution of the House of Commons relative to the Irish tithe question, and on the measures that had been founded on that resolution. He would ask his noble Friend whether he did not recollect the measure of 1834, which did not embody that principle which was so objectionable to his noble Friend and the other noble Lords opposite, and still that measure had been rejected by that House on grounds which he confessed he did not understand. That measure, he repeated, had been rejected in that House on grounds which he had ever thought to be insufficient and unwise, and he must observe that the opportunity was lost of settling the tithe question—which opportunity if it had been seized, would have led to more auspicious results than existed or than could be anticipated at the present moment. Admitting, however, the general correctness of the statement of the noble Lord, he did not take so desponding a view of the subject as his noble Friend had done, but he admitted, that it was the duty of the Government to turn their minds to the promotion of those objects which his noble Friend had truly stated to be so highly desirable. His noble Friend had also given a great deal of advice to her Majesty's Ministers as to the nature of the measures that they should bring forward and as to the language they should adopt. This appeared to him to be a new course taken by noble Lords who were generally supposed to be opposed to the policy pursued by the Government, and they had lately received a great deal of such advice as his noble Friend had that night favoured them with. For instance, a few nights ago a noble Friend of his, who was not then present, he meant Lord Haddington, favoured them with certain advice, and also another noble Earl (Aberdeen), who was then present, followed his example and gave them advice as to the course they should pursue with respect to the Church of Scotland. The noble Duke had also on that and other measures followed their example, and given her Majesty's Ministers advice, no doubt of such a nature as they believed was calculated to promote the stability of the Government in that and the other House of Parliament, and generally in the country. He believed, that the noble Duke, and other noble Lords, had given their advice in an open and candid spirit, and with the views and intentions stated. He believed that those noble Lords would be glad to see the Government strong, and would be gratified to see them bring forward such measures as they approved of, and which they believed would meet with the approbation of the country; but he would ask, how many of those who generally acted with those noble Lords agreed with them in their views!—how many would they carry along with them in this advice? They must recollect that they were not alone, and they should also recollect what their advice was, and what would be considered its real meaning. Many of the supporters of the noble Lords would say to them, do not think that the people of this country will support you in this course of proceeding. Get rid of the present Government altogether, and do all you can to displace it. Was it likely that they should take the advice of those who were doing all they could to injure the Government, and to get rid of it? Was it the advice which the noble Duke himself was likely to follow under the circumstances of the case? But it might be said that nothing more had been done that night than following out the advice that had been given on many former occasions; but he should reply that it was the determination of the Government to bring forward and support such measures as they thought right, not merely with the view of obtaining the support of this party or of that, but because they thought it was the right, and with the view of maintaining the Church Establishment as well as all the other institutions of the country. The noble Duke, a few nights ago, stated that a great change of policy had recently taken place in the Government with respect to the Church; and the noble Duke also said that they did not, in consequence of what had occurred in another place, encourage the Church of England, they did not encourage the Church of England in Ireland, they refused to adopt measures to encourage the Church of Scotland, and they also withheld support and encouragement from the Established Church in the colonies. The noble Duke said, that the Government did not encourage the Church. Now he did not think that the word encourage was the right word to use on such an occasion. Encouragement might be very proper for a nascent establishment, the stability of which was not known or ascertained; but in language which might be properly applied, it was the duty of the Government, as it was the intention of himself and colleagues, to support the Protestant Church as it was established at the Reformation, and the Church of Scotland as it was established by law. If the noble Lord desired that they should devote to Ecclesiastical purposes a much larger income than they possessed at present, he doubted whether it would prove real encouragement, or whether it were consistent with sound policy that they should pursue such a course; but he was sure that there never existed a Government more determined than her Majesty's Ministers to promote such measures as were calculated to support the establishments of the country, lay and Ecclesiastical

The Duke of *Wellington* was surprised the noble Viscount opposite had not made the speech he had just concluded three or four evenings ago, when as the noble Viscount had said, he had charged on the noble Viscount (and he confessed he did not feel inclined to withdraw from the statement to-night) a departure from that ancient policy of this country, which for the last 200 years had been to protect, maintain, and encourage, the Church establishments in England and in Ireland, and for the last 150 years in Scotland. That he had charged upon the noble Viscount, and though he did not now propose to enter again into the discussion of the other night with reference to the condition of the Church of Scotland, still the more he reflected upon that question, the more he was convinced that the noble Viscount had not done his duty by the Church of Scotland, in neglecting to adopt some measure for the support and maintenance of religion in the large towns of that country. With respect to the question now before the House, the noble Viscount said, that he (the Duke of Wellington) had not supported the bill to which the noble Viscount had alluded; now, he had supported the bill, though he had objected to some of its details; but whether he and some of his noble Friends had supported the bill or not, still they were entitled to claim for the Church of Ireland all the benefits of the law; and he agreed with his noble Friend near him (the Earl of Ripon) that the Church of Ireland did not receive the benefits of the enactments of that measure, nor of the promises held out to the friends of the Church in that country. His noble Friend had stated most clearly to their Lordships, that according to the system of taxation which Church livings in Ireland were to undergo, even according to the best plan ever proposed in either House of Parliament, a great part of the resources of the Church under that bill would be lost to the Commissioners, and the resources for the augmentation of small livings would be entirely done away with. That was a fact, and the noble Viscount opposite had replied, "Oh yes, but the reason is, that you on your side of the House, would not adopt the plan proposed in the year 1834." But the noble Viscount forgot, that the greater part of that measure was intended for a settlement by redemption, and that the redemption clauses had been struck out in the other House of Parliament, and the plan came to the House, shorn of all those benefits that were expected to result from the measure by its framers and introducers. Of that fact the noble Viscount had lost sight altogether. It had been a portion of that plan now suggested elsewhere, that the Church was to part with its property, and it was to go into the hands of the Government, and the ministers of the Church were to be placed on the consolidated fund. To that plan, as far as he was himself concerned, he would at once say, he should object; he had always said so, and he never would adopt such a measure. But the noble Viscount said, there was a desire in Parliament to see an arrangement, not only of this, but of every other question which for years past, had occupied the attention of both Houses regarding Ireland; and he was sure those questions would receive from their Lordships due consideration, in order to put an end to them and to strengthen the Government in Ireland on all those questions. The noble Viscount had said, that their Lordships, who were opposed to the noble Viscount, took a view contrary to the views of the people. Now, he (the Duke of Wellington) believed, that the noble Viscount was mistaken: he believed, that a very large number of persons in this country entertained the same views on these subjects as these noble Lords; and he assured the noble Viscount he wished to see those questions settled for the benefit of the Government, taking it in the largest sense of the word, and not caring one pin in whose hands the Government was placed.

The Earl of *Wicklow* said, that as he was the only person sitting on that (the Opposition) side of the House who had supported the bill which had been alluded to, he certainly felt no small degree of anxiety for the well working of that measure. He had supported the bill under the conviction that under all the circumstances of the case, it would be a beneficial measure to the country, and in consequence of that support so given by him, he felt the greater surprise and disgust at the attempts subsequently made to interfere with the most wholesome provisions of that bill. He alluded to the measure proposed elsewhere, by which a direct interference with that bill had been established —he meant the resolutions which had been adopted by the other House, and to which his noble Friend (the Earl of Ripon) had alluded. His own opinion of those resolutions was, that however injurious they were to the working of the Benefices Pluralities Act, and however discouraging to the friends of the Church in Ireland, still his belief was, that those resolutions had only been introduced as the means for obtaining certain political ends for those who had proposed them—that they were not propounded with reference to the Church, but for the party-motive of placing the present Government in the position they now held. The noble Viscount had said, that those resolutions were matter of great embarrassment to her Majesty's Government. He believed no such thing; on the contrary, he believed the Government cared very little for the consequence of those resolutions now, and that they were ready to throw them over when it suited their convenience. In the resolutions which had since been proposed elsewhere, and communicated to the House, he saw nothing of the same kind; but he did see propositions contained in them which convinced him that they would never meet the approbation of their Lordships; on the contrary, he firmly believed, that the House of Commons itself, as now constituted, would never pass them into a law. He was perfectly satisfied that the House of Commons would never sanction any measure by which the revenues of the Church should be transferred from the Church, and that the clergy should be made pensioners on the consolidated fund. The noble Viscount had appealed to his (the Earl of Wicklow's) side of the House, and had called upon them to put their shoulders to the wheel to promote the great object of a settlement of these important questions. He would assert (whether the noble Viscount believed him or not) that he desired to see those great measures now in progress to promote the welfare of Ireland carried into effect, and he assured the noble Viscount that for the attainment of those objects no party feeling should interfere. He said this because he did believe, that at the present moment there was a better mode and opportunity of settling those questions than had ever presented themselves or existed before. He knew not whether any suggestions he could offer would have weight with the noble Viscount, but he would suggest, that there was one mode by which now these matters could be satisfactorily adjusted. There was a most important measure now before the other House, and which would shortly come under their Lordships' consideration—he meant the Irish Poor-law Bill — a bill which he confidently trusted would be discussed here with a total absence of anything like party spirit. By that measure an increased taxation was imposed upon the landed proprietors of Ireland, and it did happen, according to the calculations of the father and framer of that measure, Mr. Nicholls, that taxation so imposed, would come to about 1*s.* in the pound on the rental. That rental had been calculated by the Poor-law Commissioners to be about 10,000,000*l.*, so that the taxation which Mr. Nicholls calculated upon that for the Poor-laws would give 500,000*l.* per annum. Now it also happened that the amount of tithe composition in Ireland was 650,000*l.*, from which making a deduction of twenty-five per cent. for payment on the landlords, the amount of tithe composition would be just equivalent to the sum calculated by Mr. Nicholls for taxation under the New Poor-law Bill. Under these circumstances, he (the Earl of Wicklow) must say, it appeared to him that, if a measure was carried, throwing the whole of the tithe composition upon the landlords, and the whole of the taxation under the New Poor-laws upon the occupying tenants, both questions would be much more satisfactorily settled than by any other means. He was perfectly convinced, that there could be no hope of insuring the well-working of the Poor-law Bill unless the taxation under it was placed upon those who would have the management of it—viz., the occupying tenants, who would thus have an interest in the Act, which would insure that attention to its operation which such a measure necessarily required; and, indeed, otherwise it would be almost impossible to find persons who would execute the office of guardians. Then he would cast upon the landlord the whole amount of tithe-composition, and thus both those questions would be set at rest, and the landlords would get an equivalent for that burthen by being relieved from the weight of the taxation under the New Poor-law Bill. For his own part, he would say, as a landlord he should be willing to see a measure of that nature carried into effect; and he was convinced, that it would be likely to be satisfactory both to the landlords and the occupying tenants of Ireland. Again, such an arrangement, as fixing the Poor-law taxation upon the latter class, would establish a groundwork for carrying the Municipal Corporation Bill into operation, for it would establish a qualification for voters under that bill. He was anxious to see all those three great and important measures carried, as otherwise it would be impossible to free either House of Parliament from repeated discussions on Irish affairs. Having thrown out these suggestions, he had shown a readiness to put his shoulder to the wheel, and to exert himself to the utmost of his power to render those bills acceptable in that country.

The Bishop of *Derry* was understood to defend the conduct of the Commissioners, though he had frequently had the misfortune, as one of the body, to differ from many of them. He trusted that an opportunity would be afforded for an investigation of their conduct, from which they would not shrink, and on a fitting occasion, perhaps on the tithe discussion, he should enter on the subject. He could not but express his regret, that the measure which had been introduced by his noble Friend and relative (Earl Grey), when at the head of the Government, had met with the discountenance it had received. He had thought it his duty to say thus much in the absence of the most reverend Prelate at the head of the Church in Ireland.

Motion agreed to.

HOUSE OF COMMONS,

Friday, April 6, 1838.

MINUTES.] Petitions presented. By Sir ROBERT BATESON, from Belfast, by Mr. HARVEY, from Ashton-under-Lyne, and Welshpool, by Mr. BAINES, from Mirfield, and other places in Yorkshire, by Mr. BROTHERTON, from places in Lancashire, by Sir G. STRICKLAND, from several places in Yorkshire, and by Mr. CAYLEY, and Mr. AGLIONBY, from several places, for the Immediate Abolition of Negro Apprenticeship.—By Mr. BAINES, from Congregations in Scotland, against the grant of any additional Endowments to the Scotch Church.—By Sir R. BATESON, from the county of Londonderry, against the Irish Poor-Law.—By Mr. COLQUHOUN, from Kirkaldy, for Endowments to the Scotch Church.—By Mr. TOWNLEY PARKER, from Preston, complaining of Duties on English Goods in France and Belgium.

BREACH OF PRIVILEGE—MR. POULTER.] Mr. *Blackstone* felt it to be his duty, and it was to him a most painful duty, to call the attention of the House to a letter which had been printed in *The Morning Chronicle* of that morning; and he thought himself, as an individual, and he was sure the House would likewise think, that it was a gross and scandalous breach of the privileges of the House. He felt that this letter was quite indefensible, and it was such a letter that he could hardly believe it to be the production of the gentleman whose name was signed to it. He could not believe, that it was written by Mr. Poulter, the late Member for Shaftesbury. He could assure the House that he could scarcely believe, that a person belonging to the legal profession could have written such a letter; and therefore it was, that he should feel it to be necessary, in the first instance, to call the printer of *The Morning Chronicle* to the bar, to see whether the gentleman whose name was affixed to the letter had written it or not. Now, when he read this letter he was sure the hon. Members of the Committee would bear him out in the opinion that he expressed, that the statements contained in the letter were unfounded and unjust. He would commence by reading the several paragraphs to which it would be necessary to call the attention of the House. He should, however, first state, that the letter was signed "J. S. Poulter," and purported to have been written on the 4th of April, 1838. It was a letter deliberately written—it was not written under the excitement of the moment; for the Committee had, he believed, come to the resolution of unseating Mr. Poulter on the 31st of March, and even the Sabbath-day intervened between the knowledge of their determination and Mr. Poulter's writing the following letter:—

"To the Electors of the Borough of Shaftesbury—Gentlemen—An unprincipled combination to which I have been for some time exposed has been but too successful. A petition, which under ordinary circumstances and with a fair Committee might probably have been found frivolous and vexatious, has, by the effect of mere chance, been enabled to call to its assistance the services of the most corrupt majority of a Committee that ever degraded the administration of justice and the name of the Commons of England. The consequence has been, that I have ceased to be your representative in Parliament. The printing of the evidence by the order of the House will, I trust, exhibit to you and to the world the full particulars of this most flagrant and wicked case."

The next paragraph related to the revising barrister. That gentleman was attacked, and he now noticed the attack only for the purpose of remarking, that he had given his testimony in the best taste possible; and he was sure he was only expressing the universal and unanimous testimony of the Committee when he said that they all highly approved of the manner in which Mr. Graves had given his testimony:—

"The conduct of a revising barrister of the name of Graves, in neither giving the overseer of Stower Provost an entire day for bringing in his list, nor adjourning (as it was his duty to have done) in such a manner as to prevent

> even the most trivial and technical objection being raised, was the first cause of the monstrous injustice which has been inflicted upon me. The Committee having decided this point in my favour after an elaborate and unanswerable argument, founded upon reason, principle, and justice, as well as precedent, subsequently, on the application of the petitioner's counsel, re-opened the matter, and ultimately reversed their own solemn decision."

[*Cheers from Mr. O'Connell.*] Now, as he heard the hon. Gentleman, the Member for Dublin, cheer, he must say this, that he could assure the hon. Member that what was stated did not take place. He could tell the hon. Member for Dublin, who had cheered, what did take place, and he wished to call his attention to the fact. They were called upon to strike off the name of George Mullins. Evidence was given before them; but then it was not sufficient evidence to invalidate the vote, and therefore they struck off the vote of George Mullins. He begged pardon, they retained the vote. The counsel, then, for the petitioners, the next day that they met, then tendered to them further evidence; that was more evidence against the votes than what they had in George Mullin's case. They then examined the revising barrister, and on his evidence they struck off the remaining votes, but they never struck off the vote of George Mullins. He believed that any lawyer would have acted as they had done on the first day; the only evidence they had was the letter of an overseer, which was afterwards contradicted by the writer, the letter went on to say—

> "The revising barrister, a man of long standing at the bar, and of the same politics with the majority of the Committee, whose business it was to know the law and to act upon it, had not the grace to inform the Committee, according to the fact, that having departed hastily and before the conclusion of the day, he felt it his duty to return, at the request of the overseer, to perform the ministerial act of revising a list that was totally unobjected to, but declared that he knew nothing and could say nothing of the law, and begged the Committee to instruct him. The majority of the Committee, whose ignorance upon the subject was second only to their corruption, were thus enabled to put their decision upon the shoulders of this gentleman."

Upon one disputed point in the Committee, continued the hon. Member, the division was ten to one, and on another, that of considering the votes under the same class as George Mullins, as seven to four. He then proceeded with the letter:—

> "The next main feature was this;—An overseer, a partisan of my adversary, had caused by his sole evidence four votes to be struck off from my poll, on the ground of nonpayment of rates. On the fifth case his oath was contradicted by two receipts produced in his own hand-writing; and I will venture to say that no judge who ever sat in Westminster-hall would have permitted a case to go to the jury for their consideration upon the evidence of a man so exposed and contradicted. My counsel of course applied for the restoration of the four votes: the Committee refused to allow it. In this way my majority was destroyed, and my seat as completely filched from me as ever a purse was stolen from a person on the common highway."

Here, again, he could assure the House that this was a very great misstatement. Counsel had asked them to reverse their decision after they were convinced of the inaccuracy of a witness; and they were unanimously of opinion that they could not go into the case again. They had proofs of the man's inaccuracy, but that was not the time for going into them. He had now to come to the last paragraph, which the House, he was sure, must consider as most unfounded and most untrue:—

> "I was unwilling to witness in person these disgraceful scenes; but I am assured that all the proceedings of a section of the Committee were accompanied by such external and convincing signs of partiality to my opponent and prejudice against myself as to excite the disgust of even casual spectators! Do not suppose, that the high-minded men who constitute a large portion of what is called the Tory party can approve of these things. I have reason to know, that they regard such criminal acts with the greatest disapprobation. It does seem to me that I have been made the victim of a degree of iniquity compared with which the irregular acts of all former Committees may fairly claim to stand excused."

The remaining paragraphs he did not mean to trouble the House with, as they did not refer to the matter to which he wished to call its attention. They were, too, only the self-praises of Mr. Poulter himself. He would not now proceed further; but he begged to say that he should feel it to be his duty to call the printer of *The Morning Chronicle* newspaper to the bar on Monday evening, and also Mr. Poulter. The Gentlemen of the Committee whose conduct had been impugned had acted to the best of their conscientious belief, and what they considered to be the justice of the case; and he was sure that the hon. Member who under his own conscientious convictions had differed from them, would at least give them credit for being influenced by the same pure motives from which he himself had acted. He concluded by handing in the letter containing the passages objected to.

The letter having been read at the table,

Mr. Blackstone moved, that John Layer Poulter, Esq., of the Temple, the writer of the letter, and Martin Smith Metcalf, of 3, Savoy-street, Strand, the printer of *The Morning Chronicle* newspaper, do attend at the bar of this House on Monday next, the 9th of April.

Mr. *Elliot,* as a member of the Shaftesbury Committee, felt bound to say a few words on the occasion, and he felt that he was the more particularly bound to do so, as he considered he was so distinctly alluded to by the hon. Gentleman who had just addressed the House. He had then no hesitation in saying, that, however much he might have differed from other Members of the Committee upon many material points, it never had entered into his mind, nor indeed did he think, that any Gentleman could suppose, that the hon. Members from whom he differed were influenced by corrupt motives. He said this although he had differed from those hon. Members upon almost every point—he did so honestly and openly. He gave them credit for doing the same. There appeared to him to be good feeling on either side, although it was his opinion that, on the part of a majority of the Committee, there was a perversion of justice. What he meant to say, was an honest perversion of justice. In his judgment there was a perversion of justice; in their judgment there was not. He did not presume to say whether he or they were in error. The hon. Member for Wallingford had alluded to the vote of George Mullins, and the vote which the Committee had come to respecting it. He did not think, that the hon. Member had properly explained that matter—he was sure the mistake fallen into was not intentional; but the fact was, that the counsel who opened the case informed the Committee that a single vote would be put before them for the purpose of deciding thirty-one votes. Then the thirty-one votes were to be decided upon the case of George Mullins. That was the understanding of the counsel upon both sides, and then they took the vote of George Mullins into consideration. They decided, then, that that vote was to be held good. During the discussion upon this subject the counsel of the petitioners were taxed with not having brought before the Committee, the revising barrister. It was said, that he was the only person who could give proper evidence in this case. To this the answer of the opposite counsel was, that it was not usual to summon a judge to give evidence upon a case which he had decided in his own court. It was out of courtesy, they declared, that they had refused to summon the revising barrister, and the counsel actually treated it as a thing which was quite out of the question. It was said it would be improper and indelicate to summon him after he had decided upon the vote. On their then deciding on the vote of George Mullins on the first evening, the counsel for the sitting Member said, that he supposed it was to be concluded that they had then disposed of that whole class of voters. The answer to which was, that they must not do that then, because they had other objections to offer. Now, his opinion certainly at the time was, that they were deciding and determining upon the thirty-one votes. The petitioners' counsel the next morning proposed to call the revising barrister, in order that he might hear testimony to the thirty votes, respecting which upon the night before he considered they had decided, and to which votes George Mullins was the key. He was of the opinion of a portion of the Committee, that they had disposed of thirty-one votes—it was the opinion of another portion that they had not. He was sure that this was an honest opinion, and he was satisfied that hon. Gentlemen gave this opinion, because they felt that the petitioner was fully entitled to the opinion of the revising barrister. He was accordingly called in, and the decision came to on the vote of George Mullins was not held to be a right decision, because the evidence of the revising barrister went to overset the evidence on which the first decision was founded. He felt doubt himself whether they ought, after having disposed of thirty-one votes, to have opened thirty of them for fresh revision. That was the ground on which he raised an objection. With regard to the revising barrister's evidence, he must say, from observation, that he considered it to have been fairly and honestly given. He considered that no imputation attached to that evidence; and whatever party that gentleman might be of, for he did not know, he considered that he gave honest and true evidence, and he regretted, that it had been called in question. With regard to the evidence of Bennett, whose credit was shaken, the circumstances were these. He declared, that a certain person had not paid his rates till after the election. He was questioned in every style possible with regard to the payment, and still declared that the rates had not been paid. A receipt was then handed in, which he admitted to be in his own handwriting, and which was for the July rates. The witness admitted the receipt, but said he had made a mistake in putting July instead of May. He was asked if he was sure that this was the case, and he said he felt sure it was. After asserting this pretty roundly, another receipt was handed in for the May rate, in the handwriting of the witness. The Committee retained the vote. There was another circumstance which came before the Committee—he meant the treating; but he was not sure whether the letter alluded to it or not. It appeared that there was treating in Shaftesbury, both before and after the election. It was proved, also, that the petitioner had sent money down to Shaftesbury, which was placed in the bank of Brodie and Co. A person of the name of Buckland, who was proved to be an agent of the petitioner drew out 450*l.* of this money, by paying it in checks in favour of the publicans where treating had taken place. There was quite sufficient proof that treating had taken place, and on that ground he did express a strong opinion. But he thought he ought to state the grounds on which the other Members of the Committee held a different opinion. It was first of all sworn by all the publicans that they received no orders to open their houses from the petitioner or his agents. They had opened them on speculation, but acknowledged that they expected to be paid by the petitioner, for in all former elections they had been paid by the person in whose favour they had opened their houses, and they expected the same on that occasion. It was, however, proved, that they had received no orders from the petitioner. There was, however, this peculiarity with regard to this letter, that they were all taxed and reduced by the agent of the petitioner. These reductions amounted in some bills to one-half, in others to a fourth, and in others to ten per cent., and so on, but no rule seemed to regulate the reduction. It was suggested by the counsel for the petitioner, that, probably, these reductions were made in consequence of the expenses incurred after the testing of the writ, such expenses being illegal. This suggestion was received by the members of the Committee as probable, but he acknowledged that, in this opinion, he did not concur. He would state the reason; the treating had been carried on for twenty-five days—namely, five days beyond the testing of the writ. The deduction, therefore, in every bill ought to be the expense of the five days, or one-fifth. But this was not the case. Some deductions were as much as one-half of the bill; and, besides, the publicans themselves all swore that the reason why the deductions were made was, that they had charged too much; that the Committee of the petitioners had taxed the bills, and thought them too high. He (Mr. Elliot) was of opinion, that treating was proved, but the majority of the Committee was of a contrary opinion. It appeared to him, that the Committee had decided contrary to justice and to the evidence, for so strong, in his opinion, was the evidence, that even in a case of murder he would hang a man upon it. He would add one other word. The witnesses called to prove the treating were very unwilling witnesses. They had been all employed in treating on the part of the petitioner, and, of course, they would all give as little evidence as they could; and, indeed, every member of the Committee was of that opinion. In proof of these facts, he could state one instance. There was one book of accounts which the Committee particularly required. The person to whom it belonged, notwithstanding he received orders to bring up the book, left it behind, and when, at length, it was produced, the leaves containing the particular account were torn out. Under these circumstances, he certainly did form a very strong opinion. With regard to the letter which had appeared, he must say, differing in opinion as he did from the majority of the Committee, he would be the last person in the world to attribute to them any but the most proper and honest motives. He was ready to bear his testimony that they were solely actuated by feelings of this description, however much he differed from them in opinion.

Captain *Mathew* said, that in the very peculiar position in which he was placed he should be naturally expected to say a few words. The hon. Member who last spoke had not confined himself to the points referred to by the chairman of the Committee, but had entered into other matters which had occurred before the Committee. It had been said, that his being in that House was the result of a combination. He begged to deny this in the most explicit terms. If, indeed, by a combination it was intended to express the union of the greater number of those who had possessions in Shaftesbury, and also of the free and independent tradesmen there, he would acknowledge that he was in the House in consequence of such combination. The hon. Member for Roxburghshire had alluded to the subject of treating. He must admit that at the last election, as on all former elections, there had been exhibited in Shaftesbury scenes of drunkenness on both sides. He believed, that the hon. Gentleman who was opposed to him did not sanction such proceedings any more than he (Captain Mathew) did, for he could truly state, that this treating was not only without his orders, but against his positive official notice. He had attended in the Committee-room during the proceedings, but he called upon the hon. Member for Roxburghshire to state whether, during the time he was in the room, he had not sat close to that hon. Member, and removed from those who might be called his friends, and with whom he agreed in politics, but with whom he had never had any communication of any sort or kind, unless on going out of the Committee-room interchanging words of salutation. It had been stated, that the witnesses to prove treating had been unwilling witnesses. But they had heard that many of them were discontented at being paid only one-half of their claims, and one of them was proved in evidence to have become insolvent since the election owing to the expense he had gone to, and yet the same party had deposed that he had no claim against him for payment. He must say, therefore, that he thought he was justified in stating that these men were anything but unwilling witnesses; and when the House recollected what this description of witnesses was, and what scenes generally were exhibited at Shaftesbury during the time of an election, he was sure they would not consider, that this class of witnesses would object to a new election. Having stated thus much, he begged to express his deep regret at the matter before the House, and perhaps he might add his sincere wish that some means would be taken to put an end to it fairly and freely on both sides. He was perfectly aware that his opponent was most amiable and gentlemanly in his character, while he was of an anxious and excitable disposition. He knew that during the election he (Mr. Poulter) had suffered that degree of illness that obliged him to be confined to his room, so that he was unable to attend his canvass. He was aware that this arose from physical illness. He could not for a moment doubt that this letter had been written under those feelings; and though he might justly complain of having been put to the expense of a petition, and of having been for a time kept out of that House by illegal votes, still he would not do so, and he would only say that he was sure that the hon. Gentleman (Mr. Poulter) had written this letter perfectly believing that it was true, however much he was mistaken. He hoped that the House would be of opinion that what had already occurred was quite sufficient without carrying the matter further.

Lord *Worsley* said, that this was rather an inconvenient way of settling this matter. As the hon. Member for Wallingford (Mr. Blackstone) had given notice that he would move, that the evidence taken before the Committee be printed, he (Lord Worsley) would suggest the propriety of postponing this motion until after the evidence was printed. He thought that they would then be better able to come to a right decision, when every member of the House, by reading the evidence, would be able to judge of the statements made on either side.

Mr. *Blackstone* said, that it was with great pain he had taken the present course; but as this was a breach of privilege, he could not consent to postpone it. He did not think, that it would be becoming the dignity of the House to postpone the motion.

Mr. *R. Palmer* said, that the question before the House did not in any way depend on the evidence taken before the Committee. The question was, whether they were prepared to let this subject drop. The gentleman who wrote the letter complained of, had been for some time a Member of that House, and must have known that if he presumed to use expressions in that House reflecting on the Committees, the Speaker would have called him directly to order. Not long ago the House had thought it its duty to take under consideration the conduct of a Member for speaking of the Committees in the aggregate, and the Speaker was called upon to perform a painful duty on that occasion. In the present case there was a letter reflecting improperly upon the conduct of a particular Committee, and he felt it impossible that such a proceeding could pass unnoticed by the House. He thought it exceedingly probable, that when the Gentleman who signed the letter came to the bar, he would express his contrition for using such improper expressions. Until this was done he could not see the propriety of postponing the matter.

Mr. *O'Connell* would ask the House whether it were necessary to bring the printer to the bar of the House? He submitted to the House that Mr. Poulter was a gentleman of that high standing and respectability in society that he would not have allowed his name to have appeared from the morning to the present time if he had not written the letter, without informing the parties interested that it was a forgery. They had every reason to be quite convinced that Mr. Poulter had signed the letter, and until Mr. Poulter denied it he could not see why the unfortunate printer should be brought to the bar of the House. He would submit, therefore, that as far as that part of the motion went, it had better be omitted. He would not have spoken at all if the hon. Member for Berkshire had not alluded to his case. Now, what had that precedent to do with the present case? A bad precedent was not to be followed. He thought it most important that they should have the evidence taken before the Committee before them, and particularly after the statement that had been made on both sides, and the remarks that had been made upon the facts given in evidence. The hon. Member had not read that part of the letter that referred to treating. He thought this was a most important feature in the case. If the statements that had been made were proved in the evidence, he did not know how any man in his senses could have arrived at the conclusion which the majority of the Committee had arrived at. This was not the first time that Committees of that House had been charged with deciding from party bias, and he thought it absolutely imperative upon the House to set itself right with the public on this point. [*Cheers from the Opposition benches.*] Did that cheer mean approbation of the present system. [*No, no!*] Then it meant condemnation. As the system was condemned, why take an isolated instance and make a victim because he chose to express an opinion? They were going about a monstrous proceeding. It had been said, that Mr. Poulter, when he appeared at the bar, would make an apology for what he had said. If Mr. Poulter was in his senses, and made an apology, he did not think that he would stand in a very enviable situation, after deliberately publishing the letter in question. That, however, was for Mr. Poulter himself, but he must protest against the printer being called to the bar at all. He must also protest against inflicting any censure upon Mr. Poulter until the evidence was printed, and all the facts were before the House. If it were necessary for that purpose, he should move, that the proceedings against Mr. Poulter, if he avowed the publication, should be suspended till the whole of the evidence was before the House, in order that they might judge whether there was any case to justify the publication of the letter.

Mr. *Blackstone* had no objection to have that part of the letter read which referred to treating, but he did not think it was at all necessary.

Mr. O'Connell moved, that the clerk at the table read the passage.

The clerk then read the following passage:—

"We then proved a case of treating so extensive and decisive, that if any one should desire to state the sort of evidence by which such an allegation should be sustained, he might be content to take as an example what was substantiated before the Committee. Ample opportunity was afforded for establishing this part of the case, by the notorious fact that unlimited treating was the only mode an entire stranger could adopt of standing against one who did, and does at this moment, possess the affections and opinions of a large majority of your constituency. This proof was also treated with the same contempt as the rest of my just and righteous cause."

Sir *T. Fremantle* said, he had no wish to put the printer to unnecessary inconvenience, but, consistently with the forms of the House, he thought that the printer's attendance must be required. If Mr. Poulter avowed the letter, the printer would not be called to the bar, and he did not think it was any great hardship in directing the printer to come down to the House. It might turn out that the letter was a fabrication, and he should be happy to find it so. Some individual, in the hope of attracting more attention to the subject, might have forged the letter, and in that case the attendance of the printer would be necessary.

Lord *John Russell* said, that before the question was put, he wished to address a few remarks to the House. The House seemed, on a former occasion, to have come to a decision that cases of this kind ought to have precedence. He must say again, that he entertained a very contrary opinion, and he was convinced, and more convinced every day, that in cases of this kind the most prudent course that the House could adopt would be to allow the matter to pass unnoticed. With respect to the merits of the Shaftesbury Election Committee, he must say, as he did on all others, that he would never enter into the merits of any question that was decided before the Election Committees. These Committees were the regular tribunals to decide those cases. He supposed, that they decided according to conscience and according to evidence, and he would never make any remark as to whether they had decided right or wrong. With respect to the general question, he might have occasion again to detail to the House the line which he thought it most eligible for the House to adopt; but he would only say now with regard to Mr. Poulter, that he had no doubt himself that the letter was a genuine document, and was signed by Mr. Poulter. That gentleman, no doubt, was, as had been stated, of an anxious temper, and he conceived that there could be no doubt but that the expressions made use of had arisen from that anxious temper of mind; but he must say, seeing every day the anonymous charges made against Election Committees, accusing them, whether the majority of the Committee was composed of Members on that (the Ministerial) side of the House, or of the other side, of most corrupt, most nefarious, and most perjured conduct in their decisions, that his respect and regard for Mr. Poulter were increased and not diminished from his having had the courage to add his name to his letter instead of publishing it anonymously.

Motion agreed to.

Slavery Abolition Act.] The order of the day having been read for going into Committee on the Slavery Abolition Act Amendment Bill,

Mr. *James Stewart* rose to move as an instruction to the Committee a clause, that negro apprenticeship, as established by the 3d and 4th William 4th., cap. 73, should cease in the island of Jamaica on the 1st of August, 1838. The planters, said the hon. Member, had been guilty of a gross and shameful violation of all the conditions which they had undertaken to perform in consideration of the Parliamentary grant. Every thing which this country had promised was fulfilled to the letter, while the planters, upon their part, had failed to make good any one engagement into which they had entered. The first and most important particular in which they had failed to perform their engagements was their entirely omitting to pass a law for the classification of slaves whether prædial or non-prædial. The correspondence which passed between Sir Lionel Smith, the Governor, and Lord Glenelg clearly established the fact, that up to the present moment the Legislature of Jamaica had not passed any Act to regulate the classification of apprentices in that island. The second breach of good faith of which they had been guilty was the neglect to pass any law, or at least any sufficient law, for the establishment of a police force. Some regulations, it is true, were made, but being considered insufficient, were disallowed by Lord Glenelg. The third particular was their omitting to pass a law to preserve the customary allowances to the apprentices. The fourth respect in which they had violated the conditions was the mode in which they regulated the hours of work and labour. In the fifth place they had wholly neglected to pass a proper system of valuation, so as to allow the apprentice to purchase his freedom at a fair price. The report of the Commissioners of 1836 proved the defective constitution of the tribunal appointed for those who were desirous of purchasing their freedom. That Committee made several recommendations, all of which had been totally disregarded by the colonial legislature. Sixthly, they had omitted to pass a law to protect the special magistrates against vexatious prosecutions, and to secure their independence. He ventured to assert, without fear of contradiction, that the ordinary local tribunals were effectually closed against the negro population, and were worse than useless. It was only to the special magistrates that the poor negroes could look for justice and protection. One great object of the Abolition Act was to provide a tribunal which should not be dependent on the planters, but derive its powers from the Colonial-office. That object, however, had been wholly frustrated by the conduct of the planters. Every single undertaking which they had entered into had been violated, and their conduct could be best described by saying, that "they had done what they ought not to have done, and had eft undone what they ought to have done." From all which he had heard or read, the substance of which he had stated to the House, he came to this conclusion, that if the colonial Legislature had neglected those things which they were bound to do, and had done those acts which the Act intended should not be done, they had violated their contract, and Parliament had a right in the very next Session after the Act had passed to bring a Bill to abolish negro apprenticeship at once. The condition of the negroes had become worse since the Abolition Act came into operation, and they did not receive that protection which the Legislature had intended in the appointment of the special magistrates. Those magistrates were becoming day by day more and more under the dominion of the planters. Government was bound to take measures either to compel the colonial Legislatures to do justice to the negroes or to do it itself. The House had now a precedent for dealing with refractory colonial Legislatures in the dictator whom they were sending out to Canada; and after such a precedent he was not without the hope that, before the end of the Session, he should find some such Act passed for Jamaica as would compel the planters to do justice to the negroes. The Parliament owed it to the negroes, and to a proper sense of its own dignity to adopt the principle of the clause which he was about to move. If the negro had a good master, his condition had been gradually improved, and he was fit for instant emancipation; if he had a bad master, that was too a still stronger reason for releasing him from the planter's power. The longer this act of justice was delayed by this country, the less would be its moral power. Why should England remain behind some minor states in passing such an act of justice? Bolivia had given complete emancipation to its slaves, so had Mexico; Hayti had done so long ago, and it was only since she had done so that she had taken her station amongst nations. He hoped, though the reign of Queen Victoria might not be signalized by the trophies of war, it might go down to posterity with the still greater glory of having been that in which the negroes in our colonies were made completely free. The hon. Gentleman brought up his amendment.

The *Speaker* said, that as the present Bill was entitled an Act for the Amendment of an Act relating to the Abolition of Slavery, and as the present motion related to the duration of the apprenticeship, there was no reason why it should not be discussed in Committee.

Motion withdrawn.

On the question that the Speaker leave the Chair,

Sir *E. Sugden* said, that he should only detain the House for a few minutes, whilst he stated the reasons which induced him to withdraw all opposition to this bill. It appeared to him that the provisions which he meant to introduce were necessary for the safety of the apprenticed labourer; and as her Majesty's Government had adopted them, all his objections to the Bill were removed. The first provision was, that no apprenticed labourer should be subjected to whipping or beating in any prison, workhouse, or other place, except with the approbation, and in the presence of a special magistrate. The other clause was still more important, and the whole correspondence which had taken place showed the want of such a power. It was this, that the Governor in Council in each colony should, if he deemed them expedient, make such new and other regulations in the prison, workhouse, or hospital, as to him might seem fit. This clause would give a power of controlling the Colonial Legislatures and doing justice to the apprentices. The last alteration was, that the apprenticeship should altogether cease in the year 1840. So that there should be no restricting tie left on the labourer under the Act of 1833. The hon. Member for Knaresborough proposed, that this clause should include free children. So far from objecting to this, he thought that her Majesty's Government ought not to lose an instant in turning their attention to the condition of the free children of the colonies. He was glad that the frankness with which the Government had adopted his amendment released him from the necessity of further opposing the Bill.

Mr. *Baines* was anxious to introduce into this Bill a clause with regard to the marriages of the labourers. There was at present a defect in the state of the marriage ceremony in the West Indian colonies, which, as it had been admitted by the Government two years back, he was surprised had not been removed. At present the children of the negroes were left in a situation that it was impossible to say whether they were legitimate or not. It was not a single case, but a thousand which were left in this dubious state without fixing any criterion by which this important question could be regulated. He had only to beg his hon. Friend (Sir G. Grey) to explain what the intention of the Government was on this subject, in order that he might either introduce some substantive measure, or move an amendment in the progress of this Bill as it passed through Committee to meet a contingency which he was sure was of an urgent kind, and deserved immediate and strict attention.

Sir *G. Grey* reminded his hon. Friend that a circular had been sent to the respective Colonial Governors some years back, requesting them to submit to the local Legislatures the expediency of passing such a law as would enable the various missionaries to solemnize the ceremony of marriage. He felt happy in stating, that a prospective law was passed to effect that object, but very great difficulty was found in legislating for past marriages, and defining accurately the criterion by which they should be determined. The Wesleyan Missionary Society had the subject under their consideration, and had promised to furnish such lists as they deemed requisite. If the Colonial Legislatures were not found to adopt the views of the Home Government, he hoped with the assistance of his hon. Friend, and the valuable aid of his hon. and learned Friend (Dr. Lushington), to introduce such a plan as would be unobjectionable.

Sir *F. Trench* felt the extreme importance of the amendments which had been introduced by his right hon. Friend Sir E. Sugden; but while he did so, he should take every opportunity of impressing upon the Legislature the necessity of the immediate abolition of the apprenticeship system, and of making the negroes entirely free. His constituents took an immense interest in this question, and so did he. He was induced to rise, because it had been imputed to members at his and the other side of the House that they had acted in the manner which they felt it their duty to do, in order to conciliate the opinion of their constituents. He should look upon himself as very weak and foolish, if such a fear induced him to act contrary to his conscience. When he heard the declaration of the Marquess of Sligo, coming from a proprietor and a Governor —when he considered the prosperous state of Antigua, with its 30,000 emancipated negroes, he felt bound to declare that the only concession which he was willing to make, was to postpone the period of emancipation from August to December in the present year, to allow time for those preparatory measures which he did not understand, but which were considered necessary by the Government to come into operation.

House went into Committee.

Clauses, with several amendments and additions, were agreed to.

Mr. *James Stewart* moved the insertion of a clause for the total abolition of negro apprenticeship, as established by the act of 3rd and 4th of William 4th c. 73, in the island of Jamaica, on the 1st of January, 1839.

Clause brought up and read.

On the motion that it be read a second time,

Mr. *Ward* supported the motion, and said, that he could not do so without adverting to the great question of negro apprenticeship, upon which the House had recently come to a division. He confessed, for his own part, he never came to a vote with more doubt and uncertainty than upon that occasion; nor ever voted with less reliance on the accuracy of his own judgment. He felt bound to make this statement in the face of the House, because of the partial publication of a letter which he wrote on the morning after the division, all the expressions contained in it relating to the doubts which prevailed on his mind having been studiously omitted. The advocates of total abolition, and the anti-slavery delegates had, in their meetings, passed a severe censure on him and those hon. Gentlemen who took a like course. That letter, as published, seemed to attack all those Gentlemen who had arrived at a different conclusion from himself on the subject. Nothing would have been more unfair or more unjustifiable on his part than to have intended to have expressed himself in any such manner; and nothing, he could assure the House, was further from his wish than to do so. He had stated distinctly, that one of the reasons why he did not reply to the speech of the hon. Member for Newark, was the utter impossibility he felt of reconciling the facts and statements which had been communicated to him, with regard to the population of Guiana, with the statements contained in the speech of that hon. Gentleman, who vouched his authority for the accuracy of those statements. [Mr. *W. Gladstone* had not pledged his own authority for their accuracy.] No; but the authority arising from the hon. Gentleman's knowledge of what was passing on the estates belonging to his family in that colony. He claimed for the British Legislature the right to shorten the term of negro apprenticeship, and he must affirm, from the evidence already before them, that there was a determination, from first to last, on the part of the colonial legislatures, and of juries, magistrates, and all other persons in any sort of authority in the colonies, to resist or evade the Imperial Act of Abolition. But whatever doubts might exist as to the other colonies, there could be no doubt, that as regarded the island of Jamaica, not one condition of that great act had been complied with by the Assembly. The British Legislature was therefore perfectly entitled to provide for the immediate abolition of the apprenticeship system, if it should be considered proper his hon. Friend should press his motion to a division, he should certainly vote with him.

Sir *G. Grey* said, that having a few nights ago so fully entered into the question, and the House having then, when it was more than usually full, decided upon the proposition brought before them, after that proposition had been argued almost exclusively with reference to the colonies, of which Jamaica was one only, he felt he should be improperly intruding upon the House, if he were now to state at length, the grounds upon which he opposed the present motion. The debate to which he had referred, lasted two nights, during which the fullest opportunity was given for the amplest discussion, and the division took place without any intimation being expressed on the part of any hon. Member of a wish to add anything further to that debate. After the solemn and deliberate decision to which the House arrived on that occasion, and more especially after the notice which had been given that the general question would be again brought forward after the expiration of the Easter holidays, he did not believe that the House would consent to revive that discussion now. He fully concurred with the hon. Gentleman in the wish to accomplish all the objects contemplated by the Legislature on passing the Abolition Act; but he was of opinion that the greatest obstacle that could be raised to arriving at a beneficial result in their efforts on this subject, was the bringing the question so repeatedly under discussion. He hoped his hon. Friend would not press his motion, if his hon. Friend did, it would become his duty to oppose it.

Mr. *O'Connell* protested against one argument which had been used by the hon. Baronet; namely, that this question had been decided already. One of the great arguments used against the proposition before the House the other night, was, although Jamaica might be very faulty, yet, inasmuch as all the other colonies were included in the proposition, it was incumbent on the House to resist the motion altogether. So that Jamaica was protected because the other colonies were connected with it in the terms of the proposition. As to putting an end to the agitation now going on upon this subject, that could only be done by the total abolition of the apprenticeship system.

Mr. *Yates* opposed the clause, and said, that he considered our legislation had done more mischief to the cause of humanity, in the colonies, than anything besides. He had full confidence in the wisdom of the colonists themselves, who he had no doubt would adopt whatever measures the general interest required.

Mr. *Luke White* hoped that his hon. Friend would not withdraw his motion. It was well known that the planters of Jamaica and the Assembly there had opposed the Abolition Act in the most disgraceful, cruel, and inhuman manner.

Mr. *P. Howard* thought, it would be a breach of promise on the part of the British Legislature with the colonists, to adopt the clause of his hon. Friend.

The Committee divided.

Ayes 61; Noes 115: Majority 54.

List of the AYES.

Aglionby, H. A.
Archbold, R.
Attwood, T.
Baines, E.
Barnard, E. G.
Blennerhassett, A.
Blunt, Sir C.
Briscoe, J. I.
Brownrigg, S.
Bryan, G.
Cayley, E. S.
Dashwood, G. H.
Denison, W. J.
Dennistoun, J.
Duke, Sir J.
Dungannon, Viscount
Easthope, J.
Eaton, R. J.
Evans, W.
Forester, hon. G.
Gibson, T.
Grote, G.
Harland, W. C.
Hawes, B.
Hodges, T. L.
Jervis, J.
Jervis, S.
Jones, J.

Kinnaird, hon. A. F.
Langdale, hon. C.
Lennox, Lord G.
Long, W.
Lushington, Dr.
Martin, J.
Mathew, G. B.
Monypenny, T. G.
Morris, D.
Muskett, G. A.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
Pattison, J.
Redington, T. N.
Rice, E. R
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Somerville, Sir W. M.
Stansfield, W. R. C.
Style, Sir C.
Thorneley, T.
Turner, E.
Vigors, N. A.
Villiers, C. P.
Wakley, T.
Warburton, H.
Welby, G. E.
White, A.
Wilde, Sergeant
Williams, W.
Winnington, T. E.

TELLERS.

Stuart, J.
Ward, H. G.

List of the Noes.

Acland, T. D.
Adam, Sir C.
Ainsworth, P.
Arbuthnot, hon. H.
Ashley, Lord
Baillie, Colonel
Bannerman, A.
Baring, F. T.
Barron, H. W.
Benett, J.
Blackburne, I.
Blair, J.
Blake, W. J.
Bramston, T. W.
Broadley, H.
Buller, E.
Callaghan, D.
Campbell, Sir J.
Cavendish, hon. C.
Cavendish, hon. G. H.
Clements, Viscount
Clive, hon. R. H.
Conolly, E.
Dalmeney, Lord
Dundas, F.
Dundas, hon. T.
East, J. B.
Elliot, hon. J. E.
Ellice, Captain A.
Fazakerley, J. N.
Fellowes, E.
Fergusson, right hon. R. C.
Filmer, Sir E.
Fitzgibbon, hon. Col.
Fitzsimon, N.
Fremantle, Sir T.
Gladstone, W. E.
Gordon, R.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Graham, right hon. Sir J.
Grattan, J.
Greene, T.
Hawkins, J. H.
Hayter, W. G.
Hobhouse, right hon. Sir J.
Hodgson, R.
Holmes, W.
Howard, F. J.
Howard, P. H.
Howard, R.
Howick, Viscount
Hurt, F.
Hutton, R.
Inglis, Sir R. H.
Kemble, H.
Kirk, P.
Labouchere, rt. hn. H.
Lascelles, hon. W. S.
Lefevre, C. S.
Lynch, A. H.
Mackenzie, T.
Macleod, R.
Maule, hon. F.
Morpeth, Viscount
Murray, rt. hon. J. A.
Northland, Viscount
O'Ferrall, R. M.
Ord, W.
Paget, Lord A.
Pakington, J.
Palmerston, Viscount
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Philipps, M.
Plumptre, J. P.
Power, J.
Price, Sir R.
Reid, Sir J. R.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Rose, rt. hon. Sir G.
Round, C. G.
Russell, Lord J.
Sandon, Viscount
Seymour, Lord
Sharpe, General
Sheppard, T.
Smith, A.
Smith, R. V.
Somerset, Lord G.
Spencer, hon. F.
Stanley, Lord
Stewart, J.
Stuart, Lord J.
Strutt, E.
Talbot, C. R. M.
Tancred, H. W.
Thomson, rt. hn. C. P.
Troubridge, Sir E. T.
Vere, Sir C. B.
Verney, Sir H.
Vivian, Major C.
Vivian, rt. hn. Sir R.
Walker, R.
Wall, C. B.
Westenra, hon. H. R.
White, S.
Wilbraham, G.
Wilbraham, hon. B.
Wodehouse, E.
Wood, C.
Wrightson, W. B.
Yates, J. A.

TELLERS.

Grey, Sir G.
Steuart, R.

The House resumed, the report to be received.

HOUSE OF COMMONS,

Saturday, April 7, 1838.

Minutes.] Petitions presented. By Mr. James, from Stockdale, for the Emancipation of the Negroes.—By Lord Clements, from parishes in the county of Leitrim, for Corporation Reform, the abolition of Tithes, and Vote by Ballot.—By Lord Morpeth, from places in Yorkshire, for an alteration in the Factories' Regulation Act; from places in the county of Cork, for the better regulation of Tithes; from a parish in Dublin, for an alteration in the Grand Jury laws; from Medical Practitioners in Dublin, for an increase of Medical Officers in Charitable Institutions; from Tyrone, for an abolition of Cess; and from several places, for a Poor-law for Ireland.—By Mr. Wakley, from Stirling, for a repeal of the duty on Foreign Corn.

Slavery Abolition Act.] On the Motion that the Report of the Slavery Abolition Act Amendment Bill be received,

Mr. *Gladstone* observed, that the Bill in its present state exempted special Magistrates from liability to actions, and it might be perfectly right not to subject them to the verdicts of West-India juries without the intervention of any authority for their protection. However just and reasonable this rule might be, it formed no reason for preventing cases against them being gone into, because publicity under the circumstances of those colonies could not fail to be attended with advantageous results. His purpose in then rising was to propose a clause making it lawful for all proceedings against special magistrates to be heard, and even carried to judgment and execution, unless the governor of the colony saw ground for arresting their progress.

Sir *G. Grey* said, that if he consented to such a clause, it would be only on condition that the governor, in addition to the power which the hon. Gentleman opposite proposed to confer on him, should also possess the power of awarding costs.

Mr. *Gladstone* agreed to the addition. He was willing that the special magistrates should be relieved from costs, either by rendering the parties liable or having them paid out of the Treasury.

Mr. *Howard* did not think the remuneration given to the special magistrates was sufficient to compensate them for residing in so deadly and unhealthy a climate to Europeans; and this country having granted 20,000,000*l.* to the planters, would not object to a small addition to the salaries of these gentlemen.

The Report received, Bill to be read a third time.

HOUSE OF LORDS,

Monday, April 9, 1838.

MINUTES.] Petitions presented. By the Marquess of SLIGO, from Skipton-en-Laye, Newborough, Montrose, and many other places, by the Marquess of CLANRICARDE, from Crayborne, Merton, Preston, Oldfield, Walmisley (Lincolnshire), and several other places, by the Earl of BURLINGTON, from places in Yorkshire, and by the Earl of YARBOROUGH, from Wredgby, Langham, and several other places, in Lincolnshire, for the Abolition of Negro Apprenticeship.—By Lord DENMAN, from certain individuals in Manchester who had once been Quakers, praying that their affirmation in courts of justice might still be received instead of the customary oath.—By the Duke of RICHMOND, from Guardians of the poor of the Union of Hardingstone, and another place in the county of Northampton, that the Owners of Small Tenements be assessed to the Poor-rates.—By the Earl of ROSEBERY, from Yarrow, against any grant for Church Endowments.

NEGRO APPRENTICESHIP.] Lord *Denman* presented a petition from the inhabitants of St. Mawes, Cornwall, for the immediate Abolition of Negro Apprenticeship. He would take that opportunity to notice something which had occurred in their Lordships' House a few evenings since, when a noble and learned Friend of his, (Lord Brougham) not then in his place, had referred to a letter written by him (Lord Denman) on the subject of the slavery question. His noble and learned Friend had mentioned that letter with his entire concurrence. He had indeed written it with the intention that his noble and learned Friend should make use of his opinion just as he might think proper. It was right that he should state this, to place the conduct of his noble and learned Friend in its proper course of view, and farther, on his own account to declare, that the opinion contained in that letter was not an opinion hastily or precipitately formed, but was one which he had entertained during the whole of his life on this most important and most interesting subject. On a proper occasion (and such an occasion would shortly arrive) he should feel it to be his duty to state his opinion fully on this question, and to enter into such arguments as were, he thought, entirely conclusive, with respect to the opinion which he had formed of the law on this subject.

Lord *Abinger* was understood to ask, if an action were brought before the noble and learned Lord, on a contract entered into with reference to the reserved labour of the negro apprentice, admitted by the Act of Parliament, would not the plaintiff have his remedy? His noble and learned Friend might object to the morality of the system, but could any defence, in point of law, be cited against an Act of Parliament? An alleged breach of contract, on the part of the planter with the legislature, could not be so cited.

Lord *Denman* said, that any contract entered into between two planters as individuals, must certainly be fulfilled. He had no doubt whatsoever, that as between a planter and a mortgagee, who, as the law now stood, advanced money on this reserved labour, the contract would be binding. No doubt could be entertained that these parties would be bound by any contract agreed to by them, and which appeared to have the sanction of the law. But what he spoke of was a contract between the state and any other party whatever, or between the Colonial Assembly and the planters, as a body of persons, by which that was sought to be continued which had been declared unlawful. This must strike their Lordships more forcibly when it was recollected that this subject had been before the country for half a century, and the unlawfulness of slavery and of the slave trade had been recognized. Still, notwithstanding what had been laid down by the legislature in 1788, the system continued, in consequence of the supineness of Parliament. After the extinction of the slave trade, from 1807 to 1833, slavery was still admitted, but, strange to say, this very Act of 1833, which abolished slavery was now made the ground for the preservation and continuance of it. It was absolutely necessary, in the first instance, to look clearly and distinctly at the nature of that in which property was now claimed, and it appeared to him to be impossible to contend that anything like property in slaves could be recognized, after the legislature had taken measures to do away with slavery itself. He would not now enter into the subject at large; but, if there were a compact or contract at all, he felt alarmed at the consequences which might arise from it. Other claims, he feared, might be advanced under it; and, indeed, it would appear, from papers which had been laid on the table connected with this subject, that a wish or an intention existed if possible to keep up the accursed system of slavery beyond the year 1840. In his opinion every man who felt the immense importance of this subject (and no man could remain neutral with respect to it) ought to state his opinion on the very first opportunity.

The Duke of *Wellington* observed, that he should not have thought it necessary to have said one word on the present occasion, but from the observations which had fallen from the noble and learned Lord. He felt it necessary, however, to say a few words in explanation of what had formerly fallen from him on this subject. It appeared to him, that the noble and learned Lord (Lord Brougham) to whom allusion had been made, and who was not in his place, was anxious to avail himself of the authority and opinion of the noble and learned Lord opposite; and he could assure that noble and learned Lord that no man more sincerely than himself respected his opinion, or put greater confidence in his judicial decisions, although he might differ from him on this particular point. It appeared to him, then, that the noble and learned Lord had stated in this letter that if a question of slavery had come before him heretofore, previously to theAct of 1833, he should have declared it to be his opinion that such slavery was not legal. Now he confessed it had always seemed to him that slavery, however improper, however desirable it might be to put an end to it, yet that it was legal according to the law of England; nay more that if an action came before the noble and learned Lord in the Court of Queen's Bench, to secure such property, that noble and learned Lord, acting on his judgment according to the law of England, must have pronounced a decision in favour of the existence of such slavery. Well, then, in this state of things a law was passed, which provided, that in consideration of a certain amount of compensation, 20,000,000*l.* sterling, and farther, in consideration of certain individuals giving their services to the planters for six years as indentured apprentices, they should at the conclusion of those stipulated six years, be made perfectly free. Such being the fact, would the noble and learned Lord tell him that there was no property in this labour? The noble Viscount opposite (Viscount Melbourne) had plainly stated, that there was a beneficial interest in the service of those persons, on behalf of every proprietor in England or in the colonies. That was what he contended for, and he was ready to meet the noble and learned Lord on that point. Further, he would say, that, previous to the year 1833, slavery was legal, according to the law of England.

The Marquess of *Clanricarde* did not meanto go into the question of compact or contract; but he would enter his humble protest against the idea entertained by the noble Duke, that slavery was recognised as part and parcel of the law of England. The law of England was a very vague phrase; but, he believed, it had been decided in different cases that slavery was not recognised as part or parcel of the common law of England, though it might have been recognized by the statute law.

Lord *Denman* was of opinion, that the noble Duke did not describe the nature of the Act of 1833 correctly, when he said that slavery was recognized by law, and that it was put an end to in consideration of the payment of 20,000,000*l.* and the continuance for a given time, of the services of the slaves as indentured apprentices. The noble and learned Lord then read the preamble of the Bill to show that slavery was put an end to as an inhuman and unchristian practice. When it was said, that the legislature admitted the planters to demand the services of the indentured apprentices for six years, he should only observe, that with respect to any pecuniary compensation, the legislature might be bound to fulfil it; but he should argue that they had no more right to sell the service of the slaves because they were slaves, than they had, in the first instance, to kidnap the negroes.

Petition laid on the Table.

HOUSE OF COMMONS,

Monday, April 9, 1838.

Minutes.] Bill. Read a third time:—Slavery Abolition Act Amendment.

Petitions presented. By General Sharpe, from Kircudbright, by Lord J. Stuart, from Campbeltown, and two other places, by Mr. C. Lushington, from the Edinburgh Young Men's Voluntary Church Association, by Mr. Elliot, from Kelso, and by Mr. E. Ellice, jun., from Melrose, and other places, against additional Endowments to the Church of Scotland.—By Mr. Strutt, from Derby, against Pluralities.—By Mr. Curry, from Tyrone, for protection to the Linen Trade; and from Slewater-town, against the Irish Poor-law Bill.—By Colonel Sibthorp, from Lincoln, for the maintenance of Church Property.—By Lord Teignmouth, from Marylebone, for applying Church Property to strictly Ecclesiastical purposes.—By Mr. P. Howard, Mr. O'Connell, and Mr. Thornley, from the Letter-press Printers of Wolverhampton, Carlisle, and three other places, against Mr. Sergeant Talfourd's Copyright Bill.—By Sir G. Strickland, from certain operatives and parents of children in Yorkshire, for alterations in the Factory Act.—By Lord Eliot, from John George of the city of Cork, for the appointment of a Committee to investigate the merits of his Steam War Chariot.—By Lord Stanley, from the Ulverstone Board of Guardians, against the Bastardy Clause of the Poor-law Amendment Act.—By Mr. Ormsly Gore, from places in Shropshire, for the Abolition of Negro Apprenticeship.—By Mr. Baines, from Licensed Victuallers of Leeds, for the establishment of Bonded Warehouses in inland towns.—By Mr. Lucas, from the Grand Jury of Monaghan, for extending relief to able-bodied Paupers.

New South Wales.] Mr. *C. Buller* presented a petition from 5,000 inhabitants of New South Wales and Van Diemen's Land, praying that representative assemblies might be granted to those colonies. His hon. Friend, the Under Secretary for the Colonial Department, had announced on a former day that it was the intention of Government to bring in a bill for the permanent settlement of the constitutions of both those colonies. The questions which he wished to put to his hon Friend were, first, whether the Government had made up its mind as to the principles of the bills which they would introduce for that purpose; and secondly, whether their plan was one which would include the granting of representative assemblies to New South Wales and Van Diemen's Land.

Sir G. *Grey* could not enter at that moment into any detailed explanation of the plan intended to be introduced by her Majesty's Government. He would only say, that it was the peculiar circumstances of those colonies that constituted the difficulties which stood in the way of granting them representative Assemblies, and that those circumstances did not exist in any other of our foreign settlements. The plan which the Government intended to introduce would only be provisional, as the vast influx of emigrants, to which those colonies owed so much of their prosperity and resources, would render any other arrangement at present unsatisfactory.

Petition laid on the table.

Breach of Privilege — Mr. Poulter.] Mr. *Blackstone* moved, that the Order of the Day be read, [directing J. L. Poulter, Esq., and Martin Smith Metcalf, to attend at the bar.

Mr. *Mildmay* said, he very much objected to entertain this motion at present. In the first place, he did not think it proper for that House to enter into a contest with an individual. He thought, they always came ill out of such a contest, because on all such occasions, the public sympathised rather with the individual, than the mass who were opposed to him. He neither thought this proceeding necessary for the assertion of the dignity of the House, nor likely to have a happy result. He objected, however, on even stronger grounds than these. He had known Mr. Poulter now, a great many years; he was as manly, spirited, firm, and determined a man as any of his acquaintance; and when he brought a serious charge against any individual or any body of men, he was very likely to persevere in it. In what condition, then, did they stand? If Mr. Poulter appeared at the bar, he would endeavour to show, that he had just grounds for the accusation he made, and what would be the result? Mr. Poulter's *ex parte* statement would go forth to the public, who would have no opportunity of judging whether it were correct or not. The Committee, however, would have the power of disproving the facts, if they were false, by the publication of the evidence. He would therefore suggest for the consideration of the House, whether it would not be better to postpone the question, until they had the evidence before them, in order that they might be able to judge whether or not the charge was well founded. If they insisted on bringing Mr. Poulter at present to the bar, and if, upon reading the evidence, they should come to the conclusion, that the statement he had made was perfectly correct, what would they then have done? The charge of corruption might or might not be true, but if it were proved, and if Mr. Poulter were punished for making it, they would either affirm that which was not the fact, or commit him to prison for affirming that which was the fact. Would this not be the height of unfairness and injustice? If he found the feeling of the House to be in favour of postponing the question till the evidence was printed, he should certainly press the motion he was about to submit, to a division; but if he found the general feeling to be opposed to it, he would withdraw it. He begged to move, that the further consideration of this question be postponed, in order that the evidence might be printed, to the 24th of April.

Mr. *Blackstone* could not believe, that the hon. Member for Winchester had read the letter of Mr. Poulter. Mr. Poulter had not merely said, that the Shaftesbury Election Committee were deficient in judgment, he had distinctly charged the Members of it with corrupt motives. Supposing the motion of the hon. Member to be agreed to, in what condition would the Members of the Committee be placed? A month or five weeks would be required to print the evidence, during which time, the Members of the Committee, with such an imputation resting on their characters, would hardly dare to show their faces in the House. Would the House consent to let the stigma remain during this time, and thereby proclaim its suspicion that a portion of its Members had been actuated by corrupt motives? No Member of the House was entitled to impute motives to another, and yet Mr. Poulter had not scrupled to accuse the Committee of a flagrant breach of honesty and good faith. He hoped the hon. Gentleman would not persevere in the motion, which would place those who had been Members of the Committee in a very unpleasant situation.

Mr. *O'Connell* said, it seemed to him, that the hon. Member had stated the worst possible reason for objecting to the postponement of this question. The hon. Member asked, what would be the situation of the Committee if the question were postponed? He would ask, what would their situation be, if they shrunk from placing the evidence before the House, till the House had come to a determination on this question. What were the facts? It had been admitted by one of the Members of the Committee, that there was, what he called, an honest perversion of judgment. That hon. Member called it honest; but did he expect, that if it went forth to the public that there had been a perversion of justice, that the public would call it honest? No, they would not. There was, then, a distinct perversion of justice, and he thought that the grossest injustice was done to Mr. Poulter that was ever done to any human being, even upon the statement of a Member of the Committee. He did not attribute motives, he was not so unparliamentary as to attribute motives; but what were the facts? There were thirty-one votes upon the register. The votes were not objected to when the overseer sent in his list. There was nothing to be done but the mere form of the revising barrister coming and putting them on the list. He did put them on the list. There was no objection to their votes; they were fully entitled to vote; but the Committee had struck them off. And upon whose evidence were they struck off? Upon that of the assessor himself. He had heard eulogiums pronounced upon the purity of this Gentleman's intentions; but there was the fact that thirty English voters, carrying a seat in that House, were struck off the register by the mistake of a Gentleman who was thus eulogised for his honour and integrity. Would any Gentleman get up and say, that if Mr. Poulter had been a Tory the Committee would have unseated him. There was not a man out of that House would say so. They ought to avow these things—they ought honestly to avow, that if Mr. Poulter had been a Tory he would have been a Member of that House at the present moment. Any man who asserted the contrary would place himself in a most ludicrous position, the entire public would contradict him. What became, then, of their mighty anxiety for their characters? Did not the Member for Cork city say, that there was perjury in those Committees? Did not the Member for Cork county (Mr. Callaghan) say the same, and the Member for Falkirk (Mr. Gillon)? And did they not say so with perfect impunity? They spoke in the House and to their faces. And even so humble an individual as himself had presumed to hold the same language. To be sure he had been reprimanded. But did he, therefore, shrink from repeating the charge? Did he not repeat it after he was reprimanded; and did a single Member rise to have him censured or committed for doing so? But Mr. Poulter was out of the House, and out, too, by the grossest injustice that had ever been done to any human being. Why, then, shrink from allowing them to compare the evidence with the decision? Did they want to punish Mr. Poulter first, and try him afterwards. This was the very spirit in which the Committee appeared to have been conducted. According to the statement of the hon. Member for Roxburghshire (Mr. Elliot) there had been a gross case of treating. Public-houses had been opened in every corner. Drunkenness was going on from day to day, and the price of this was traced to the agent of the sitting Member. The progress of the money through the hands of his bankers was distinctly traced; and this was the party which was so exceedingly attached to religion, and whose high notion of purity was shocked at the least approach of anything irreligious. They would not allow a loaf of bread to be baked on the Sabbath, but they patronised the abominable practice of drunkenness, and refused to consider it as treating. He did not say, that these were the facts; but they had been stated in that House to be facts, and he wanted the evidence in order that he might know whether they were facts or not? Would they seek to criminate a man in the absence of the evidence that must justify his conduct to himself and the public? Till these tribunals were altered they would never obtain the respect of the public, and to proceed vindictively against Mr. Poulter would do their character no good, and the very disposition they exhibited in that House the public would say they were actuated by in Committee. He, therefore, submitted, that the manly way was to have the evidence printed. Let Mr. Poulter's vindication or mitigation appear with the charge, and then, if at all, let the House enter upon the subject. But let them not proceed in the absence of evidence. Let them not convict first, and try afterwards.

Mr. *Mildmay* explained, that his intention in moving the amendment was, that Mr. Poulter's *ex parte* statement might not go forth to the world without the evidence.

Sir *R. Inglis* said, the hon. Member for Roxburghshire had made use of the phrase "honest perversion of judgment." The hon. and learned Member for Dublin had with singular ingenuity omitted the word "honest," and substituted "justice" for "judgment." The hon. and learned Member for Dublin had founded a very triumphant argument on this incorrect representation of the meaning of the hon. Member for Roxburgh. He certainly thought his hon. Friend, the Member for Wallingford, had been betrayed into what might be called an error of practice on this occasion. His single and simple duty was to lay the letter complained of on the table, and to leave the House to take what steps it pleased for the defence of its Committees and the vindication of their honour. The hon. and learned Member for Dublin had taunted those who wished for the better observance of the Lord's day, but the hon. Member forgot that Mr. Poulter supported the Sabbath Bill, and was therefore just as much responsible for the provisions of the measure as any Gentleman on the Conservative side of the House. The real matter to be now considered was, whether the letter was a breach of the privileges of the House. The merits of the Committee were not in question, and were totally foreign to the matter. He confessed he thought the greatest improvement of which election Committees were susceptible was the publication of their proceedings, and the hon. Member for Wallingford was the first person to propose that the evidence taken before them should be printed. There were circumstances connected with this question which made him unwilling to take any part in it, but he had come to the conclusion that the original motion was the one which the House ought to entertain.

Mr. *Hume* doubted very much whether either of the motions could fitly be entertained by the House. He had on a former occasion deprecated proceeding against the hon. Member for Dublin, and he believed almost all who looked at the result of that affair agreed that it would have been much better if it had not taken place. The motion of the hon. Member for Wallingford interfered with the liberty of the press; it went to repress public opinion, and to diminish the liberty of commenting on the proceedings of the House. If they insisted on bringing Mr. Poulter to the bar, they ought to bring there every other man who offended the self-esteem of any Member in the House. They had only to look to the journals of the day to find language much more bold and severe used to characterize the proceedings of the House than Mr. Poulter had ventured to employ; they would find the acts of the Legislature denounced as corrupt, infamous, atrocious, and by every other term of abuse. It was of no consequence whether the signature of the writer was appended to the article or not; the editor of a paper was as much responsible for the articles contained in it as Mr.

Poulter for the letter he had written. It was impossible that they should escape the observations of newspapers or of individuals on their proceedings. He thought they could not, without gross injustice, proceed against Mr. Poulter, unless they laid down a rule, that no remarks derogatory to the character of the House should be made in newspapers, to which he did not anticipate that they would consent. Mr. Poulter's letter ought to be viewed in the same way as other productions censuring the acts of the House or the Committees. Were Mr. Poulter brought to the bar, and asked, if by corruption he meant bribery, he would of course answer no, for nobody could suppose the existence of it. He would reply, "I mean political corruption." Why, they had heard from the right hon. Member for Ripon, that election Committees were biassed by party considerations. One man would call this deviation from equity a party bias, another would call it political corruption; it was indifferent by what name it was called, so long as its existence was admitted. The better and manlier way would be to dismiss this question altogether, for if the motion were carried, there would be no end to the questions brought before the House. It was unfair to single out Mr. Poulter as the object of vengeance when so many individuals had offended more gravely. He should vote for postponement, but would prefer to reject the question altogether. He trusted that the motion would be rejected, as it would be productive of nothing but dissatisfaction.

Mr. *Harvey* said, that if it were really true, as some Gentlemen were extremely anxious to impress upon the House and the country, that the House, collectively, in Committees, and individually, was grossly corrupt, as some persons seemed to wish to impute to them, both collectively, in Committees, and individually, he owned he was greatly perplexed to reconcile this opinion with the great efforts and sacrifices Gentlemen were making on all sides to have the honour of a seat within those walls. He could not but think that the amendment was, at all events, premature, and unjust towards Mr. Poulter. Let that gentleman appear at the bar, and if he then stated that it was impossible for him to substantiate his charge, as put forth in his letter, until the evidence was before the House, that might be a suggestion which the House might properly recognise. But they must have it from Mr. Poulter himself; because, except as regarded the statements made by one or two of the Members of the Committee, the House was perfectly ignorant of the contents of the evidence. If, therefore, Mr. Poulter should say, that he was able to justify in letter and in spirit the contents of that address which he had put forth to his constituents, but that he could not do so until the evidence was in possession of every Member, that appeal would be so rational and just, that he could hardly suppose it would be resisted. Mr. Poulter might say, that the testimony he would be able to offer in confirmation of the serious allegation of corruption was not in the evidence which had been received, but in that which had been rejected; not in the conduct discovered in Committee, but out of it. For this reason he thought that Mr. Poulter ought to be called to the bar. He did not agree in the opinion that the object was to have another victim; he did not think that this motion originated in any vindictive and malignant feeling towards Mr. Poulter; on the contrary, he thought they would be doing Mr. Poulter a great injustice if they did not have him at the bar of the House, and ask him what were the grounds on which he made so serious an imputation. He did not apprehend that Mr. Poulter would be thankful to anybody for discovering that his morbidness of mind was an apology for a deliberate imputation. He thought that, in justice to Mr. Poulter, they ought to have him at the bar. There might be a distinction drawn between personal and political corruption; and it was desirable that they should have Mr. Poulter at the bar to know if he only meant to impute political corruption. He certainly had come to the conclusion that something more than mere political corruption was conveyed by the imputation, and he therefore was not at all surprised that those Gentlemen who were on the Committee should be anxious that Mr. Poulter should appear at the bar of the House to state whether he meant to impute anything else but political corruption. He doubted very much whether any Gentleman who had ever been deprived of a seat by a Committee did not come to pretty much the same conclusion, that political corruption or great mental imbecility lay in some quarter of the Committee. So far, therefore, from concurring in the amendment, he thought it premature. He thought it unfair towards Mr. Poulter and towards the House, and he thought it tended to encourage unjust imputations as regarded the public mind. He for one disclaimed the imputation that a Committee of that House could not arrive at a righteous judgment. He had been sitting that morning upon a Committee, listening to counsel for two or three hours, and he could state for one that his sole object was to arrive at a just conclusion. He did not know why Gentlemen were so anxious to make such imputations, as, if there were any grounds for those that were daily thrown out, he should conceive that seats in that House would be numerous and easy to be obtained, for Gentlemen would be anxious to take some office or other in order to escape from such company.

Colonel *Davies* must object to summoning Mr. Poulter to the bar. Did the hon. Member for Wallingford expect that Mr. Poulter would retract there all that he had said in his letter? He felt no hesitation in saying, that the letter at first sight appeared most intemperate, but hon. Members ought to consider what grounds there might be for writing such a letter; it might be seen, when they recollected that the hon. Member for Roxburghshire (Mr. Elliot) had declared that five or six voters had been struck off the poll on the evidence of a perjured witness, and that the Committee, when requested, refused to re-examine these cases. The statement respecting treating had been in like manner made and never contradicted; so that he was quite astonished at the course pursued by hon. Members opposite: he thought they ought to rejoice at having an opportunity afforded them of contradicting such allegations as these. When so much was said of the character of that House, were hon. Members aware of a letter which had appeared in *The Times* of Saturday last, bearing the signature of an hon. Member of that House? It ran thus—

" *To the Editor of The Times.*

" Sir,—Having been present in my place yesterday at the extraordinary scene which preceded the ballot for the Wicklow Committee, and finding no mention of my name in your list of the minority, in which I had the satisfaction of voting, I shall feel extremely obliged by your rectifying the mistake in your next impression, and shall be grateful for the opportunity of disavowing all share in such a transaction, worthy only of our present Government, and leaving a record of my opinion of the grossest outrage ever perpetrated within the walls of the House of Commons. I have the honor to be, Sir, your obedient servant,*

" 68, Mount-street, April 6.

" ROBERT PIGOT.

He did not know whether the hon. Member happened then to be present, nor whether he avowed or disavowed the sentiments of this letter or not, but this he would say, that if Mr. Poulter were to be visited with the displeasure of the House, he thought it ought to fall upon their own refractory Member also.

Mr. *Williams Wynn* could not agree in the assertion that the present was a vindictive proceeding; its real object was not vindictive, but protective; its object was the assertion of the privileges of the House, and the assertion of that for which all their privileges existed—the preservation of the independence and impartiality of their proceedings and votes. And was it fitting or just to impose upon a certain body of Gentlemen the adjudication of these cases of controverted elections, and then to say to any Gentleman whomsoever, that he was at liberty to impute to any one of those bodies of Gentlemen the crimes of corruption and perjury? Let him ask the hon. and gallant Gentleman who spoke last how he would act under such imputations? How would the noble Lord opposite act? Supposing any man, holding the rank of a gentleman, published in the public newspapers a charge of perjury against any other gentleman, what was the course which the latter would adopt? There were two measures open to him—one, to seek the protection of the law — the other, to take the vindication of his own character into his own hands by answering publicly that his accuser was a calumniator and a liar. Now, in case they suffered this matter to be postponed for six months, what, he asked, must they expect would be the consequence? If the House refused to protect hon. Members in the discharge of their judicial duties on election Committees, it must be expected that hon. Members placed on those Committees, and subjected to imputations like these for their judicial acts there, would take the law into their own hands. But, it was said in this case, wait till the evidence taken before the Shaftesbury Committee is printed and we have had an opportunity of deciding upon its merits. Why, would this be the course adopted in any court of justice in England—that if any individual, on losing a cause there, should publish a letter charging the judge who tried it with perjury, the rest of the judges composing that court would wait as was now proposed? No, they would say to their brother judge, " You must be protected in the performance of your duties, and the court will take measures to afford you that protection forthwith. It is not for us to determine whether your motives were corrupt or not; the law gives you that credit which it gives to every man before conviction of crime—namely to believe, that you act honestly." After the charge of personal corruption which had been brought against hon. Members of the House, they had ample ground to proceed upon; and how could it be asked that they should not proceed? The evidence hon. Members opposite well knew, would not be read by one-tenth or one-hundredth part of those who had read the charge. In almost every suit, the unsuccessful party would be apt to deem the court corrupt which decided against him; he believed this was very common; but then those parties did not think that they were at liberty to publish such charges against these courts; they felt, that the law was the fountain of justice, and that the law would not allow those who were charged with the judicial functions to suffer for the due execution of their duties. He begged to state, as his most decided opinion, that the House could not in justice either to individuals or to themselves come to any other decision than to call Mr. Poulter to the bar.

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* The letter in the text refers to the circumstances which occurred with closed doors on striking the ballot for the county of Wicklow on the 5th of April. A discussion took place as to the right of the sitting Members to have a Strike each, in forming the Committee; their opponents stating, that they had only a right to one Strike for both. The House, on a division, decided that the two Members should have a Strike each. This decision was characterised in the letter as " one of the grossest outrages" &c.

Mr. *T. Duncombe* knew not what would be the use of ordering the individual in question to attend the House, if he were not to be called on to appear at the bar. This had been called a breach of privilege; but he apprehended the breach of privilege depended entirely on the truth or falsehood of what Mr. Poulter had said. The House were bound to let Mr. Poulter appear at the bar, in order that they might ascertain whether the letter was a forgery or not, and whether he stood by the allegations made in his name.

Lord *John Russell* could not let the question go to a vote without saying a few words upon it, though he found it impossible to agree with the great part of those who had spoken in the debate, whether on that or on the Opposition side of the House. He did think, that these questions ought not to be entered upon. He did entertain the opinion that into allegations against persons, and affecting their political opinions, it was discreet and wise in the House not to enter. With respect to what the right hon. Gentleman (Mr. Wynn) had asked, as to whether it were not right to vindicate the Members of these Committees from personal imputations, he must say, that he did think that a very great distinction was to be made between charges of this nature, when made against particular persons, and when made, as in the present case, against bodies of men. If it were to be alleged against any individual Member of the House, that he had dealt fraudulently in respect of a certain sum of money, in that case he thought that the person making such a charge as that ought to be brought to the bar, and that the House should take measures to vindicate the character of its member. But when they knew that political charges of this kind had been repeatedly carried beyond the bounds of moderation, and that what by some was called biassed conduct, by others was termed profligate and corrupt, and that such language was every day applied to their Committees without notice, then he did think that they ought not to go on with the present proceeding. And he must make another distinction between punishments inflicted by the authority of the House, a popular body, and punishments by the judges sitting in the courts of justice; for he had no fear that the judges of the land would carry too far that discretionary power with which they were invested by the Constitution, and by law for the maintenance of the authority and jurisdiction of their courts, the respect due to which they were bound to exact and to maintain for the interests of justice, and in consideration of what was owing to the Sovereign, as whose representatives they sat. He did fear, lest a vote of that House which went to condemn any single person to prison, or to any other punishment, or to any penalty or disgrace, should be the offspring of passion, or be made hastily, and on the spur of the occasion, rather than from regard to precedents. He thought this would be inferred, if the only cases of this kind taken notice of were found to be those of the hon. and learned Member for Dublin, and of the late Member for Shaftesbury. He said, that he thought this would be the case, and the more so, because he held in his hand a a letter to the editor of a newspaper (*The Times* of Saturday last) applying these terms to a vote of the House—viz., that that vote "was the grossest outrage ever perpetrated within the walls of the House of Commons." Now he knew nothing of that vote, though it was declared in that letter to be a government question—it was a question which he had never heard debated, but it was a question which was debated for a considerable time, and was decided at last by the whole House; and as he gave to the Shaftesbury Election Committee the fullest credit for acting in the decision they had made according to their consciences and to the best of their judgment, so he said that the House at large was entitled to credit for having decided with impartiality in the question respecting the ballot for the Wicklow Election Committee. And was it to be said, that because there were certain parties in that House who were fond of these proceedings, that therefore Mr. Poulter was to be punished, while Mr. Pigot, the hon. Member whose name appeared to the letter he had quoted, was to be allowed to escape? If that course were adopted, then he would say, without wishing that any one should bring forward the case of Mr. Pigot with a view to his punishment—that while one side of the House would not bear the slightest imputation upon their proceedings, while they would not suffer that what they considered improper language, should be used with regard to themselves; yet, that any degree of imputation, any degree of calumny, might be brought by them against those Members of the House, who either from their religion, or from their politics, might have become obnoxious to those imputations. With respect to the amendment of the hon. Member for Winchester, he should not vote for it; he would not vote for an amendment, which implied, that when the evidence taken before the Shaftesbury election committee came before the House, then, that he would enter into the question with a view of deciding, whether Mr. Poulter was justified or not, whether he was provoked or not, to use the language in which he had dealt. Of that question he did not constitute himself a judge; and he would not vote for an amendment which declared the reverse. He should feel great difficulty in voting at all on this occasion. He must say, that when terms were used, that merely implied intemperance and violence of language, the consequence of excited feelings, he did believe the better course for that House to adopt was to trust to the real character of its proceedings, and leave it to the public, to decide whether those who came forward to act in that House, or those who arraigned their proceedings, had the better claim to public confidence; he did believe that neither by reprimand, nor by penalty, nor by imprisonment, nor by any other mode of punishment, could the House deprive any individual of the confidence and affection of the people of England, and that if he had that affection and that confidence with him, he need fear no calumnies nor imputations against him.

Sir *Robert Peel* said, that if he understood the noble Lord rightly, the fair conclusion from the noble Lord's argument, was this—that it shall be competent for any person whatever to prefer any imputation on Members of that House, who might have judicial duties to perform with respect to the manner in which they discharged those duties, and to bring forward charges, no matter how aggravated, of corruption, and still the noble Lord thought that they must trust only to the character of the House, and that the House ought to give notice to individuals that they might libel the House of Commons with perfect impunity; and that though the law gave protection to all who were attacked by the libeller, yet that the House of Commons had nothing to do with scandalous charges that might be brought against its Members. But what was there in the case with which the House had at present to deal? He begged to call attention to what really was the question. Certain Gentlemen became bound to serve on election committees. On their names being drawn, the House told those Gentlemen that unless they appeared to perform their judicial duties, they would be committed to custody: they did appear, and were compelled to serve: and then the doctrine of the noble Lord was, that having compelled them to serve the House was to permit them to be insulted. The noble Lord's remarks went the whole length of this. He would tell the noble Lord, that if this were to be the course, the House of Commons should pursue, he should advise an individual to come forward, and try this question, and stand up when his name appeared as Member of an election committee and say, "I will not serve." He asked hon. Members opposite, would they say, in such a case, "we would compel him to serve;"—would they declare that he should be given into the custody of the Sergeant-at-Arms for declining to serve? He asked, whether the noble Lord thought it just to subject any individual to this, first to compel him to serve as one of a body charged with arduous judicial functions, and then refuse to protect him and the rest of the body in the discharge of their duties? Mr. Poulter's words were, "A petition, which, under ordinary circumstances, and with a fair committee, might probably have been found frivolous and vexatious, has by the effect of mere chance been enabled to call to its assistance the services of the most corrupt majority of a committee that ever degraded the administration of justice, and the name of the Commons of England." Let the House mark the words "of the most corrupt majority of a Committee," that they would perceive, was not an allegation of incompetency—it was not an allegation of imbecility or ignorance. Almost in the first sentence, there was a distinct and specific allegation by Mr. Poulter, that the majority of the Committee were influenced by corrupt motives—that they were "the most corrupt majority that had ever degraded the administration of justice and the name of the Commons of England." In another part of the letter was to be found the following sentence:—"In this way, my majority was destroyed, and my seat as completely filched from me as ever a purse was stolen from a person on the common highway." The noble Lord opposite, had drawn a distinction between collective bodies and individuals. In the case of a charge against a whole body, the noble Lord was of opinion, that the House ought not to interfere, but if the charge were made against individuals, the House, he thought, ought to protect them. Would the noble Lord be so good as to tell him upon what principle it was that he defended the exception which he had made in favour of an individual? The noble Lord said, that if an individual was charged with corruption, the House ought to protect him. In such a case, he (Sir Robert Peel) presumed, that supposing the individual to be corrupt, the arbitrary protection which might be afforded him by the House, would not recommend him to the favour of the public, or clearly exculpate him in their eyes from the charge which had been preferred against him. He did not very clearly see how the noble Lord discriminated between the two cases. The attack was not made upon a party, as the noble Lord said. It was made upon grounds unconnected with party. Mr. Poulter distinctly said, "Do not suppose that the high-minded men who constitute a large portion of what is called the Tory party, can approve of these things. I have reason to know that they regard such criminal acts with the greatest disapprobation." The attack of Mr. Poulter upon the Committee, was not a party attack; it was a personal attack upon the individuals who composed the majority of that Committee. The Members who composed the majority of that Committee were well known, and the charge was applicable to them individually, and it might be by name. He could not see how the noble Lord could discriminate between the case of an attack upon one individual, and an attack upon a few individuals, upon six or seven gentlemen, who were pointed out, and all but nominated as distinctly as could be. If the noble Lord thought it the duty of the House to protect one individual, upon what grounds did he think that the House ought not to interfere for the protection of six or seven? Upon the present occasion, he (Sir Robert Peel) felt bound to take the same course precisely, which he had taken upon a previous occasion, when the conduct of the hon. and learned Member for Dublin was brought under the consideration of the House. He thought it unsafe to lay down as a general rule, that the House ought not to notice charges made against its Members collectively. It was dangerous to hold, that the House of Commons should maintain this position, not only with respect to Mr. Poulter, but also to everybody who might think fit to pursue a similar line of conduct. It was unwise to hold out an expectation that it might be done with impunity. Laying down such a rule would operate as an encouragement of such attempts. He was of opinion, that when judicial duties were imposed by the House itself compulsorily upon its Members, the House ought to interfere to protect them in the discharge of their duty. What course the House might take with Mr. Poulter, he did not know, but he could not assent to the proposition, that any man might charge the House of Commons with corruption or criminality, and that the House ought not to interfere for its own protection.

Mr. *Warburton* was of opinion that the breach of privilege complained of was not a direct interference with the business of the House or the performance of its ordinary functions, but was merely a constructive breach of privilege. If Mr. Poulter did anything which interfered with the business of the House, the House, for its own protection, might and ought to interfere. He begged to ask the question whether an indictment for libel might not be preferred against Mr. Poulter in the Court of Queen's Bench? If that were so, and the Committee felt themselves aggrieved, they had the redress in their own hands, and why should the House interfere to protect them by the present proceeding? The argument of the right hon. Baronet opposite, the Member for Tamworth, went entirely upon the supposition that there was no other mode of defending the character of the House or of vindicating its privileges, whereas there was another and a better mode,—namely, by bringing an indictment for libel in the Court of Queen's Bench.

Mr. *Mildmay* would withdraw his amendment with the permission of the House.

Amendment withdrawn

Mr. Warburton moved the previous question.

Sir *C. Grey* thought that there was considerable force in the observations which had fallen from the hon. Member for Bridport, considering that the Committee, or court, if he might so call it, for the trial of controverted elections was appointed by statute, and not by the House of Commons itself; considering also, that one of the enactments of that statute was, that the decision of the Committee should be final, except in particular cases. He ventured to suggest for the consideration of hon. Gentlemen opposite, whether the decision of the election Committee would be final, as the act said it should be, if they persevered in the proposed course of proceeding. Whether they proceeded to take into consideration the minutes of evidence taken before the Committee, or directed them to be laid upon the table of the House, leaving it open to any one that pleased to institute a motion respecting them, they would be equally opening up and reconsidering what was intended to be a final adjudication.

Lord *Henniker* protested strenuously against an observation which had fallen from an hon. and learned Gentleman opposite, to the effect that if Mr. Poulter had been a Tory he would be still the sitting Member for Shaftesbury. Sitting upon that Committee the solemn oath which he had taken at the table of the House was always present to his mind. He felt it needless for him to repudiate the insinuation which had been thrown out. He did not regret a single act which he supported in that Committee; he did not regret a single observation which he had made. He trusted that the evidence would bear out what the Committee had done, and that the House would give him credit for having acted an honest part.

Mr. *O'Connell*, too, did not regret a single observation which he had made. He hoped with the noble Lord who had just sat down, that the evidence would be printed. The present proceeding, it was true, was one which courts of justice might take, and a resort to which was formerly familiar to them. But when were courts of justice most in the habit of doing so? Why, when the judges were the most corrupt. The right hon. Baronet opposite, the Member for Tamworth, said that hon. Members were compelled to serve on Committess and were forced to come down to the ballot. Why, was there one of them who did not receive a ticket from that respectable gentleman called "the whipper-in," or from the Carlton Club? But then, it was said, that Members at the ministerial side of the House came down in the same way. They did, it was true; but then, they had not the hypocrisy to deny it. Hon. Gentlemen at the other side were forced volunteers. For aught he knew, the noble Lord himself received a ticket to come down. He hoped the House would adopt the previous question. It was better to do so than to carry on a conflict with an individual, in which the House had never yet succeeded, and never would succeed, unless he shrunk from the manly avowal and iteration of his sentiments. By stifling inquiry, they would make the public believe they were afraid of the details of their proceedings being published.

Sir *E. Sugden* thought, that any one who was a friend to Mr. Poulter would, instead of bringing him up to the bar of the House, advise him to admit, that in a moment of anger and excitement he had been inadvertently led into saying what his cooler moments taught him to condemn. No one was acting as a true friend to Mr. Poulter who endeavoured, by his observations, to prevent Mr. Poulter from taking that course which his own reflection would show him was the proper one, and which he probably would take if not goaded on by the officiousness of so-called friends. Hon. Gentlemen opposite had contended that this was only a constructive breach of privilege, and that the House of Commons ought not to notice it, because the high courts of justice in Westminster-hall, if such an offence were committed against themselves, would not interfere. Did the hon. Member forget what had taken place only a few months ago, when an hon. Member of that House (Mr. Charlton, the Member for Ludlow) was fined and imprisoned by the present Lord Chancellor for a constructive contempt of court? He did not find fault with the Court of Chancery for that; he merely mentioned it as an instance which had recently occurred, and which the hon. Member, who had gone back several years, did not appear to be aware of. The fine and imprisonment were ordered by a Whig Lord, a member of the present Cabinet. Did the noble Lord mean to cast a stigma upon the Lord Chancellor? Did he mean to say that the Court of Chancery stood in need of greater protection than the House of Commons? If they looked to the letter, which he deeply regretted that Mr. Poulter had been induced to publish, they would see that he spoke only of a particular section of the Committee. Suppose that an indictment were to be preferred against Mr. Poulter for libel, how, he asked, could it be framed? No *innuendo* would show it. There was nothing in the face of the document which could show who were the real parties aimed at. Nothing would give him more sincere pleasure than to see Mr. Poulter express his regret for what he had stated.

Lord *John Russell* said, that the right hon. and learned Gentleman had asked whether it were meant to cast any reflection on the conduct of his noble and learned Friend, the present Lord Chancellor, for having given a decision, and committed an individual in a case in which he (the Lord Chancellor) himself was the party attacked; and the right hon. and learned Gentleman had also asked whether the Court of Chancery ought to have greater protection than the House of Commons? Now, to those questions he would give this answer—that whatever might be the political opinions of the learned judges who presided in our courts, he thought the due protection of those might be safely left to their own discretion and judgment; but he thought the case was very different when a popular assembly came to decide as judges on matters in which they were parties interested. The House remembered the case in which the hon. Baronet, the Member for North Wiltshire, had been committed to the Tower. That was a decision in which the House was at once the party complaining and the judge. No doubt the House acted honestly in the expression of its opinion on that occasion, but he doubted much whether the right hon. and learned Gentleman would like to see the precedent acted upon.

Mr. *Blackstone* had so high an opinion of the gentlemanly feeling and the manly bearing of Mr. Poulter, that he had little doubt that, if called to the bar of that House, he would retract the objectionable remarks into which he had been led in his letter. As to what had been said by the hon. Member for Roxburghshire, that the decision of the Committee had been "an honest perversion of judgment," he would only say, that that hon. Member had in the Committee more than once admitted that the questions on which discussions arose, were questions of law which he did not understand. The opinion of that hon. Member, therefore, was not entitled to any very great weight on this subject. The opinion given by the noble Lord opposite was not entitled to more weight than as an opinion on representations made to him by others. The noble Lord had not attended the sittings of the Committee.

An hon. *Member* said, that if Mr. Poulter were called to the bar of the House, he would either retract or re-assert what he had said. Now, in the latter case, what course was the House prepared to take? That course he thought ought to be determined on before the Committee proceeded to call Mr. Poulter before it.

Amendment withdrawn. The question that Mr. Poulter be called to the bar, was put and agreed to.

Mr. Poulter called in.

The *Speaker*: Mr. Poulter, I am desired to acquaint you that, by a recent decision of this House, a letter, purporting to be addressed by you to the electors of Shaftesbury, and transmitted for insertion in the *Morning Chronicle*, has been declared to be highly disrespectful to Members of the Committee which sat to try the merits of the petition against your return for Shaftesbury, and in violation of the privileges of this House. That letter, amongst others, contains the following passages:—

"An unprincipled combination, to which I have been for some time exposed, has been but too successful. A petition, which under ordinary circumstances, and with a fair Committee, might probably have been found frivolous and vexatious, has, by the effect of mere chance, been enabled to call to its assistance the services of the most corrupt majority of a Committee that ever degraded the administration of justice and the name of the Commons of England. The consequence has been, that I have ceased to be your representative in Parliament. The printing of the evidence by the order of the House will, I trust, exhibit to you and to the world the full particulars of this most flagrant and wicked case. The conduct of a revising barrister of the name of Graves, in neither giving the overseer of Stower Provost an entire day for bringing in his list, nor adjourning (as it was his duty to have done) in such a manner as to prevent even the most trivial and technical objection being raised, was the first cause of the monstrous injustice which has been inflicted upon me. The Committee having decided this point in my favour, after an elaborate and unanswerable argument, founded upon reason, principle, and justice, as well as precedent, subsequently on the application of the petitioner's counsel, reopened the matter, and ultimately reversed their own solemn decision! The revising barrister, a man of long standing at the bar, and of the same politics with the majority of the Committee, whose business it was to know the law and to act upon it, had not the grace to inform the Committee, according to the fact, that having departed hastily and before the conclusion of the day, he felt it his duty to return, at the request of the overseer, to perform the ministerial act of revising a list that was totally unobjected to, but declared that he knew nothing, and could say nothing, of the law, and begged the Committee to instruct him! The majority of the Committee, whose ignorance upon the subject was second only to their corruption, were thus enabled to put their decision upon the shoulders of this Gentleman. The next main feature was this:—An overseer, a partisan of my adversary, had caused, by his sole evidence, four votes to be struck off from my poll, on the ground of nonpayment of rates. On the fifth case his oath was contradicted by two receipts produced in his own handwriting; and I will venture to say, that no judge who ever sat in Westminster-hall would have permitted a case to go to the jury for their consideration upon the evidence of a man so exposed and contradicted. My counsel, of course, applied for the restoration of the four votes; the Committee refused to allow it. In this way my majority was destroyed, and my seat as completely filched from me as ever a purse was stolen from a person on the common highway. We then proved a case of treating so extensive and decisive, that if any one should desire to state the sort of evidence by which such an allegation should be sustained, he might be content to take as an example what was substantiated before the Committee. Ample opportunity was afforded for establishing this part of the case, by the notorious fact, that unlimited treating was the only mode an entire stranger could adopt of standing against one who did, and does at this moment possess the affections and opinions of a large majority of your constituency. This proof was also treated with the same contempt as the rest of my just and righteous cause. I was unwilling to witness in person these disgraceful scenes; but I am assured that all the proceedings of a section of the Committee were accompanied by such external and convincing signs of partiality to my opponent, and prejudice against myself, as to excite the disgust of even casual spectators. Do not suppose, that the high-minded men who constitute a large portion of what is called the Tory party can approve of these things. I have reason to know that they regard such criminal acts with the greatest disapprobation. It does seem to me that I have been made the victim of a degree of iniquity, compared with which the irregular acts of all former Committees may fairly claim to stand excused."

The *Speaker*, having concluded the reading of these passages, said, I am now to ask you, Mr. Poulter, whether you are the writer of that letter, and whether it has been published in the *Morning Chro-*

nicle at your suggestion, and by your authority?

Mr. *Poulter:* Sir, certainly that letter was written by me, and published exclusively by my authority in the *Morning Chronicle*, and, if the House will permit me, I should like to make a few observations on the circumstances under which that letter was written. The learned Gentleman then proceeded to say, that he regretted much that the letter addressed to his constituents had arisen out of one of the most, if not the most extraordinary case, that had ever arisen in an election Committee in that House. He would beg, in the first instance, to be permitted to call the attention of the House to those extraordinary circumstances, and having done so, he would, in conclusion, request that the House would suspend its judgment for the present, and call him before it on a future day, and that, in the mean time, it would direct the printing of the minutes of evidence. When that was done, he would confidently appeal, not to any Friends whom he might have in the House, or to any of those to whom he might naturally look for support, but he would appeal to those who differed from him in politics—to those who had got what he had lost. He would appeal to the right hon. Baronet, the Member for Tamworth, and those who acted with him, and would ask them to decide whether the judgments given in the Shaftesbury Committee could be reconciled to any principles of justice. If the right hon. Baronet, and those who acted with him, should be of opinion that the decisions of the Committee were right, and that he was wrong in the view he took of them, and that he was therefore not justified in the remarks he had applied to them, he should be ready to adopt any reasonable apology which could be required to the House generally, and to the Members of the Committee in particular, and would further submit in silence to any punishment which the House might think proper to award. But until the House took that which he respectfully considered a just and reasonable course, he must, however unwilling he might be to adhere to any expressions which were calculated to give offence to the House, or to any Member of it, not surrender the high moral ground which had been the foundation of his letter. The constituency of Shaftesbury had returned him to that House, by a small majority it was true, but that majority would show the powerful efforts that had been made by the party opposed to him. His constituents, however, considered that his majority, however small, could not be attacked except by some frivolous and vexatious petition, or unless he was to be frightened out of the defence of his seat by the prospect of the ruinous expense which it would entail. To show the feeling at one time of the parties who petitioned as to their probable chance of success, he could prove by evidence at that Bar, if he were allowed, that the agent of his opponents had declared to a gentleman of great respectability that, but for the constitution of the Committee, the petitioners would have given up their case on the first day. As it was, however, the proceedings of the Committee had been protracted for three weeks, and then the Committee had come to the conclusion that he was not duly elected, and this not by one, or two, or three, but by four or five judgments, so extraordinary in their nature, that his constituents naturally expressed their surprise at them, and naturally expected some explanation at his hands. He did give that explanation in the letter which had been published in the *Morning Chronicle*, and did state what he considered to be the great unfairness with which he had been treated. Before he proceeded to call the attention of the House to some of the facts of the case before the Committee, he would say a few words in contradiction of a statement made by the hon. Member for Shaftesbury.

The *Speaker:* The learned Gentleman must not allude to what occurred in debates in this House.

Mr. *Poulter* would not advert to debates, but he might be allowed to refer to a statement which had been made somewhere, as to his having been ill during the election. He would give this answer to that statement, that during the seventeen days that he attended in Shaftesbury, in canvassing, and on matters relating to the election, he had made great personal exertions; sometimes he rode thirty miles a-day, and had never enjoyed better health in his life. What could have been the motive for stating the contrary he was utterly at a loss to guess. He would now call the attention of the House to a few facts connected with the Election Committee, and to some of its decisions. It appeared that the revising-barrister had gone down to Shaftesbury, and there saw all the overseers, and revised the lists of all, except of one who was not in attendance. Not finding him in attendance, he adjourned the court to a future day. The use of the word "adjourn" would show, that it was his intention to return and revise the list of the parish, the officer of which had not attended on the first day. The overseer wrote to the revising-barrister, and the barrister fixed a day when he would return according to the adjournment. He revised the omitted list, which then became a part of the registry as much as any other list that had been revised. However, upon an assumed irregularity in that revision, the whole case of the petition against him had been grounded. He contended that the whole proceeding had been regular. To hold it otherwise would put it in the power of any overseer to disfranchise a whole parish. Before the Committee, the learned counsel for the petitioner objected to all the votes in the list to which he had referred, and said that he would take any one of the thirty-three cases in that list as one which would decide all the others of that class, on the ground of irregularity in the revision. The case was argued by counsel at both sides during a day. Time was taken for consideration, and a solemn judgment was given in his favour, and against the petitioner. After that decision he had naturally expected that the point would be considered as settled. It never entered into his head, nor into the heads of his counsel, that a point so solemnly argued and so solemnly decided, would be re-opened, and, still less, that, being re-opened, the previous decision would be reversed. He did not wish to repeat any strong language as applicable to the Committee with respect to this decision, but he must at least be permitted to say, that it was one of the most extraordinary ones he had ever known amongst the varied and contradictory decisions of Committees. He was the less prepared to expect it after the decision of the Evesham Committee, of which the right hon. Baronet, the Member for Tamworth, was chairman. In that Committee an application was made to re-open a point that had been already decided, but the right hon. Baronet said, that having been decided by the Committee, it must so remain. Would the right hon. Baronet justify the re-opening of this question? He fancied the right hon. Baronet would not, and he must repeat, that a more extraordinary and unheard-of decision had never before been known. By that decision of the Committee, rescinding its former judgment, his majority had been reduced. In another case, the Committee had struck four votes off his poll, and was proceeding to attack a fifth, by showing that the voter's rates had not been paid till after the election, when a receipt in the overseer's own hand-writing was produced for the rate in question, and within the proper time. It was endeavoured to be shown that this receipt referred to a former payment, but the receipt for that former payment was produced also, in the handwriting of the same overseer. Yet after this falsification of his evidence under his own hand, would the House believe it, that the Committee allowed this overseer to overturn other votes of his, and refused the application of his counsel to have the four votes which had been struck off on his previous evidence restored to the poll? Would any of the Gentlemen opposite call this justice or fair dealing? It could be proved that many of the voters for the sitting Member had been treated; that great eating and drinking had been enjoyed by those parties; and the bank-notes which were paid in liquidation of the debts incurred by those expenses could be traced to the hon. Member for Shaftesbury. It had been insinuated that unlimited treating could be proved against his party, but such was not the fact, as he had laid a positive injunction on his agents not to obtain the vote of any elector by such means. All he would ask was, that the right hon. Baronet (Sir R. Peel) and others would investigate the evidence on treating taken before the Committee, and he felt satisfied it would be brought home to the sitting Member for Shaftesbury. Let there be a fair scrutiny of all the evidence, and he would then appeal, not to his Friends in the House, but to his political opponents, whether his was not a case of the greatest hardship. If all his statements were proved to be correct, and that still his seat had been taken away, was it not natural in him to feel indignation? He felt satisfied the judgment at which the Committee had arrived was untenable on any grounds, and he would be happy to leave his case to any tribunal, and be governed by its decision. He was the last man in that House to use coarse language, or impute unworthy motives to any hon. Member, He had been a Member of that House for three Parliaments, and he would appeal to all parties, whether he had ever used any expression that indicated a want of courtesy on his part. The hon. Member for Liskeard could corroborate his assertion, that he had always advocated the honour and integrity of the House, and felt the solemn oath imposed on hon. Members was a perfect guarantee for the justice of their decisions. He continued to retain the highest respect for the honorable character of the House, but he could not abandon that high moral principle by which his conduct was actuated on the present occasion. He did not ask for juries or assessors, but merely demanded an impartial investigation into his case; and, in making such a request, he was prompted solely by a love of justice. He appeared before them suffering under severe misfortune, and he believed the old remark might be considered applicable to himself, that "whom God wished to destroy he afflicted with infatuation." He might have secured on his Committee the hon. and gifted Baronet, the Member for Buckingham, the proud and respected noble Lord, the Member for Buckinghamshire, and he might have had the advantage of the accomplished and innocent mind of the noble Lord, the Member for Hertford. The Committee had displayed great inconsistency—they were right at starting, but became egregiously wrong in the conclusion. It might, perhaps, be said, that he took too partial a view of his own case, and that he was not a fair judge of what appertained to himself, but he only claimed a fair trial. Let the judges of the case be his political enemies, and if they declared themselves satisfied with the justice of the decision of the Committee, he would be prepared to revoke all he had said, and to submit to any punishment the House should think proper to inflict; but until he had the acute and correct judgment on the subject of the right hon. Baronet (Sir R. Peel) and other hon. Members, he should continue to hold the opinion, that when justice deserted earth and fled to heaven, her last footsteps could not be traced to the Shaftesbury Committee. He had great reliance on the honour of the House, and would rely on whatever decision it came to after an investigation of his case.

The learned Gentleman withdrew.

Mr. *Blackstone* said, that he had a painful duty to perform, but an opportunity had been given to Mr. Poulter to retract the expressions he had used, but the learned Gentleman had thought fit to withdraw without expressing his regret or revoking his language. The sole object of the motion he intended to conclude with was, to defend the conduct, honour, and character of the hon. Members of that House, and he should, therefore, conclude by moving, "that the expressions in the letter that had been read that evening charging a Committee of that House with being actuated by corrupt motives, was a false and scandalous imputation on the honour and conduct of hon. Members."

Mr. *Hume* wished to know if the House were to be put in possession of the evidence taken before the Committee. It would be only justice that hon. Members should read the evidence before they decided on the truth or falsehood of the charges.

Mr. *Blackstone* said, that certainly the evidence would be printed and laid before the House, but whatever the House might think of the errors in judgment of the Committee, it surely could not impute corrupt motives to any hon. Members.

Lord *Stanley* thought, it was a most objectionable course to attempt to couple the question of the publication of the evidence taken before the Shaftesbury Committee with that now before the House. That question was not whether the Select Committee should be put upon their trial for the votes they had given, or the decisions they had come to, or whether they had adjudicated upon this or that point of law in the manner that a Committee of lawyers would have decided it; but the question was, whether a gentleman, with an adverse decision of the House of Commons against him, should, with perfect impunity, be entitled, without any reference to the merits of the case, to charge the Members of an election Committee, not with having given an erroneous judgment, or an illegal decision, but with having been influenced by personal corruption in the exercise of their judicial functions? That was the question, and the only one before the House and before they came to any vote upon it, he really should wish, that in this, its real point of view, it should be represented by the Speaker to Mr. Poulter. He was the more anxious that this course should be taken, because in the speech Mr. Poulter had already delivered at the bar, it struck him he had come very near to the expression of an apology, which he thought would be satisfactory to the House and to the Members of the Committee, whose conduct his letter certainly attacked. If, therefore, the true position in which Mr. Poulter stood were represented to him, he did think Mr. Poulter might be induced to do that which the House would certainly exact from one of its Members, and which it had consequently every right to require from a person placed in Mr. Poulter's situation. That Gentleman had already said, he believed, that he did not mean to violate the privileges of the House, and that he did not wish to make any personal accusation against its Members. Now, if to such an admission Mr. Poulter could be induced to add, that while entertaining his opinion upon the merits of the case, he was far from wishing to impute to the Members of the Shaftesbury Committee, either collectively or individually, corrupt motives, and that he regretted such expressions in a moment of irritation and excitement should have been used by him, he thought that the object the House had in view in adopting the present proceeding would be fully answered, and that the hon. Member for Wallingford and the other Members of the Committee might feel perfectly satisfied. He threw out this suggestion, because it appeared to him the most fitting, under all circumstances, for their adoption; and should the House be of his opinion, he did trust Mr. Poulter would, after a little reflection, feel he would not be derogating, but, on the contrary, that he would be placing himself in a most honorable and straightforward position, by retracting those expressions which imputed corruption to the Members of the Committee.

Mr. *W. S. O'Brien* said, that the question was not put to the House as a mere breach of privilege. The hon. Member opposite called on them to determine whether the charges were false and scandalous—and when Mr. Poulter appeals to his political adversaries, and prays their attention to the circumstances of the evidence on which he founds his charges he, for one, could not be a party to condemning him unheard. Neither ought the House to be a party to such a decision without knowing further. To afford it this opportunity he would move the adjournment of the debate to this day month.

Mr. *Harvey* hoped it would turn out to be consistent with the usages of the House, that some questions similar to those indicated by the noble Lord could be put to Mr. Poulter. He must say he regretted that Gentleman had not ended his speech where he began it; for had he done so, he thought the matter might have at once terminated. As, however, the matter then stood, he confessed he was in great doubt as to whether or not Mr. Poulter meant to challenge the inquiry before the Committee, inasmuch as he had distinctly appealed to the right hon. Gentleman in the chair and to the House to read the evidence taken before the Committee, and had intimated a conviction that when they had done so they would come to the conclusion that he had been fully justified in using the words contained in his letter. Now, in his humble opinion, the perusal of the evidence could be attended by very little practical result. Those who read it might, perhaps, come to the conclusion, that Mr. Poulter had quite as much reason to be dissatisfied, as his adversary had to be delighted, with the decision of the Committee; but, that after all, would be a mere matter of opinion, and would in no degree explain away the terms of the letter. He wished, therefore, to ascertain whether Mr. Poulter persevered in adopting the spirit of the terms set forth in his letter, imputing to the members of the Committee direct corruption and perversion of justice. If he did, then he should feel called upon to concur in the vote to which the hon. Member for Wallingford proposed the House should come to. But if, on the contrary, as he confidently expected, Mr. Poulter should state that he did not mean to insinuate in the remotest degree anything offensive to the Members of the Committee, but that he meant simply to convey to the House and the country, and particularly to his constituents, a strong conviction that the inquiry did not justify the conclusion to which the Committee had arrived, then he should be prepared to say, that the House ought to be satisfied, and let the matter drop.

Mr. *Villiers* said, that there was one passage in the speech of the hon. Gentleman at the bar which could not be overlooked—that he was ready to prove that the sitting Member had stated to a friend or agent that he should never have continued the contest after the first day but for the constitution of the Committee.

Lord *Ebrington* felt great difficulty in coming to any vote on this question, but it was impossible that he could vote in favour of the motion of the hon. Member for Wallingford (Mr. Blackstone. He did not deny, that the allegations of Mr. Poulter contained a breach of privilege, but whether those allegations were true or false he was not prepared to say. He felt a very strong objection to the adjournment of the debate, as proposed by the hon. Member for Limerick, but he thought that course preferable to adopting the previous motion.

Colonel *Wood* could not help concurring in the observations of the hon. Member for Southwark, and he wished, if it were consistent with the forms of the House, that they should permit Mr. Poulter to be recalled to the bar, and for the questions suggested by the noble Lord to be put to him by the Speaker. He believed that Mr. Poulter was anxious to cast no personal imputation on any individual, and if he remained of the opinion he had before expressed, he (Colonel Wood) thought it a fair case for inquiry, and that the House would be justified in waiting until the evidence given to the Committee could be placed before them. He thought Mr. Poulter should be recalled to the bar, and it was his hope and belief, that the questions would be satisfactorily answered.

Mr. *Mildmay* could not affirm whether the allegations complained of were true or false, but he would suggest to the noble Lord opposite (Lord Stanley) to put the questions proposed into some form, and have them put by the Speaker.

Mr. *Elliot* regretted, that the words introduced into the motion were so harsh, though he had in his address to the House on a former night shown how little he participated in the expressions which Mr. Poulter had used, and that he had no feeling whatever in common with them. He was satisfied, however, that Mr. Poulter had used them from his honest conviction that his own opinion was right, that he felt himself ill used, and that he was the subject of great injustice. But Mr. Poulter had been misled by what had occurred upon the Committee, and the course he had taken had been the result of this misapprehension; at the same time, in justice to Mr. Poulter and the Members of the Committee who were opposed to him in opinion, he felt bound to refer to what he had stated on a former evening. With respect to the adjournment of the Committee, which had been so much discussed, he believed, that Mr. Poulter was entirely mistaken as to what had really occurred; and besides this there were several other points on which he was wrong. He hoped, however, that some motion might be framed in terms a little less harsh than the proposed one, which seemed to convey an imputation upon Mr. Poulter himself. If that were done in more moderate and less offensive language, it would enable many Members on his side of the House to join in supporting it; but he could not bring himself to vote for the one already brought forward.

Mr. *Williams Wynn* must say, that it would not be very consistent with what Mr. Poulter had already stated in his address to the House, for that Gentleman afterwards to say, that whilst he maintained his opinion, he did not mean to impute corruption to any Member of the Committee. He could, however, make every allowance for excitement of feeling, and he hoped that Mr. Poulter would be called in again, and be asked whether, without withdrawing any expressions that he had made as to the erroneous judgment of the Committee, he persisted in his declaration that they had been guilty of corruption?

Mr. *Blackstone,* under these circumstances, moved that Mr. Poulter should be recalled to the bar.

Mr. Poulter was recalled, and on appearing at the bar,

The *Speaker* said,—"Mr. Poulter, I have been commanded by the House to put to you a question arising out of the statement which you have already made at the bar. Before I do so, I think I shall best discharge my duty to the House, and I think I shall equally discharge my duty to you, by stating to you what I conceive to be the sense of the House with respect to the present state of this proceeding. The complaint is not that you have urged that the decision of the Committee was in your opinion erroneous, they make no complaint of that, they desire no retraction of that opinion, they consider that you are at liberty to express that opinion so long as you shall entertain it; but the complaint which they do make is, that in stating your opinion that the judgment of the Committee has been erroneous, you have applied to the Members of the Committee expressions of a harsh nature—I use the gentlest expressions—I wish the question to be considered calmly and temperately by yourself and every body concerned—you have used harsh expressions, and you have used expressions which you, as a person who have been long a Member of this House, must know very well you in your place in Parliament could not have applied to any Member of this House; therefore, looking at what you have said, I conceive there is every reason to hope that you will see, as I think the House sees, that there is a distinction, and a broad distinction, between retracting that which implies your own opinion that the decision of the Committee has been erroneous, and retracting those expressions which impute directly to the Members who composed the majority of that Committee, which is, after all, a conclusion of which no positive proof could in any way be produced; it could only have been an inference which you yourself drew, because you took a strong view of the erroneous nature of the judgment; and under these circumstances, I am desired to put to you this question—whether or no you are now disposed to retract those expressions, in which you charge the Members of the Committee with personal corruption in the votes they gave, and the conduct they pursued in the Committee, and also those expressions in which you allege that your seat has been as completely filched from you as ever a purse was stolen from a person on the common highway?"

Mr. *Poulter* said, that he must continue to assert, that his seat in Parliament had been taken from him by political motives; but in saying this he did not mean to ascribe to the Members of the Committee, any corruption in the sense of pecuniary or base corruption; but he must say, that he should ever regard his seat as taken from him from political causes, and not from any causes founded on justice.

Mr. Poulter withdrew.

Mr. *Blackstone* must say, on behalf of himself and the other Members of the Committee, that the answers of Mr. Poulter had not been sufficient. Mr. Poulter had not said that he considered their judgment erroneous, but still imputed corrupt motives to them.

Mr. *S. O'Brien* must press his amendment.

Mr. *Langdale* expressed his sincere regret that this matter had been brought forward. He did not mean to defend Mr. Poulter's expressions, but he would ask, whether terms of the same character had not been used in reference to almost every Committee which had been appointed for years? He had daily heard such expressions towards the Committee on which he had been recently serving. When a Committee was sitting, they were bound to keep up an appearance of a court as long as it existed; but it was going a great length to notice any expressions that might be let fall as to the conclusion they had come to. He would just refer to the last number of a well-known publication, *Frazer's Magazine*, in which the Committees of the Whigs were accused of injustice, and those of the Tories were justified, and it was said, "That the Whigs had succeeded in making a loss to the opposite party of six votes; but that they had obtained the deep disgust of all honourable men." He would ask whether this was not strong language, and whether it ought to pass unnoticed, if that House brought forward such a case as the present?

Mr. *Hall* [*amidst cries of " Divide "*] said, the hon. Member for Knaresborough had quoted an observation from *Frazer's Magazine*, and he could also read another from another publication, which had been put into his hand only a few minutes before. He would read it to the House, for he felt it to be just to the Committee on which he had the honour of sitting to do so, and because also it might be seen why he should vote against the proposition of the hon. Gentleman opposite. Since these subjects had been brought forward in the House, the business had been delayed week after week while they had been engaged in these matters. The conduct of hon. Members had never been more villified than in the case of the Roxburgh Committee. Now, with reference to that Committee, it was said in the *Monthly Law Magazine*, that " as for the proceedings of the Roxburgh Election Committee, they would defy any man to produce anything more manifestly adverse to justice out of the records of the most corrupt tribunal of the worst country in the vilest age of the world, and that if Committees went on in this manner unrebuked, the House would become a by word of reproach." If Gentlemen opposite had been so anxious upon points of privilege, why had they not come forward with this? They ought not to have introduced this isolated case. If hon. Members brought under the consideration of the House, every case of a similar nature, it might then be said, that they acted justly and impartially. He did not himself think it necessary to submit to the House the charge which had been made against the Members of the Roxburgh Committee, because he knew that those Gentlemen might securely rely for the vindication on their own characters.

Lord *Worsley* also thought it was in his power to quote from a public print some expressions applied to Election Committees, equally censurable with those used by Mr. Poulter. He found it stated in one of the public newspapers, that the effect of the proposed bill for the settlement of controverted elections would be to make Election Committees less infamous than they were at present. Now, if Mr. Poulter was to be punished, he thought that in fairness such language should not pass unnoticed.

Mr. *Baines* said, it seemed to him that hon. Members opposite, were requiring from Mr. Poulter a concession which he had already made. Mr. Poulter had retracted the imputation of personal corruption, and yet hon. Members were not satisfied with that concession, which they professed to be all they asked for. The hon. and learned Member for Ripon had admitted, that there was a political bias in the Election Committees, and that was what Mr. Poulter said. [" *No, no!* "] There might be the shadow of a distinction between the two expressions, but, considering the peculiar situation of Mr. Poulter, he thought the House ought to be satisfied with his retraction of the charge of personal corruption. He did hope, that the hon. Member opposite, who seemed to be pressing forward his motion in a manner wearing the appearance of vindictiveness, [" *No, no!* "] would not pursue the matter, as the imputation of corruption had been withdrawn.

The short hand writer read Mr. Poulter's reply on Lord John Russell's motion.

Sir *E. Sugden* did not deny, that he had said, there existed a bias in the minds of the Members of Election Committees, which they found it difficult to relieve themselves from, and he sincerely wished he could conscientiously regard the language used by Mr. Poulter as having the same meaning. But that Gentleman still persisted in imputing political motives to the Members of the Committee, whereas he had only spoken of a bias from which they could not relieve themselves.

Mr. *O'Connell* did not understand the distinction drawn by the hon. and learned Member, between the expressions "political bias," and "political motives." He thought it a very fine distinction. He imagined that the source of motives was bias. Supposing the motion of the hon. Gentleman opposite to be carried, he should be glad to know what would be gained by such a whitewashing of the Committee? Mr. Poulter asked them, before they declared his assertions to be false, to give him an opportunity of proving that the agent of the petitioner declared, that had not political bias existed in the Committee to a very great numerical extent, he would have abandoned his case. Was not that a fact which Mr. Poulter should be allowed an opportunity of proving, if he could? Mr. Poulter also said, "Let the evidence taken before the Committee be produced and read by my political opponents of the highest class; and if they afterwards think that I am wrong, I will apologise." Why were hon. Gentlemen so anxious to vote a statement false, which Mr. Poulter said, he could prove to be true? Do not let it go forth to the public that they shrank from an investigation of the evidence. What signified it that hon. Gentlemen cried out "No," if the public came to a contrary conclusion? The present proceeding was a vain attempt to throw a veil over the conduct of Election Committees, which was condemned by all parties in language of the strongest nature. Both Whig and Tory Committees were accused of corruption by the different parties; and now hon. Gentlemen fancied they could get rid of these mutual recriminations, by voting themselves the purest of human beings.

Mr. *Blackstone* said, the language used by the agent for the petitioner, was the consequence of his supposing, that he trusted in the justice of the Committee, and of his confidence that they would admit the evidence of the revising barrister.

Lord *John Russell* must say, that the great eagerness shown by hon. Gentlemen to come to a vote on a personal question like the present, was no conclusive proof that they would act in the most solemn and deliberative manner. He could vote neither for the amendment nor for the original motion, but he wished hon. Members to reflect what it was they were about to decide upon. On the one hand, it was proposed to adjourn the discussion for one month, in order that it might be seen, whether the evidence before the Committee afforded any ground for Mr. Poulter's imputations. He could not acquiesce in that proposition, because it would force the House to try the propriety of the decisions come to by the Committee. On the other hand it was proposed to declare all the assertions of Mr. Poulter false and scandalous, without any further evidence than that afforded by Mr. Poulter's own explanation. He admitted Mr. Poulter, on finding, that the decisions of the Committee deprived him of his seat in Parliament, had written a most intemperate and inexcusable letter, and having been called to the bar Mr. Poulter declared he could not retract any portion of that letter, which implied that the Members decided from political motives. Still, he did not think that a sufficient reason for adopting the motion before the House, because Mr. Poulter's statement was not stronger than that which had been made in the course of several debates, that political bias was to be found in the Election Committees. If Mr. Poulter had imputed pecuniary or personal corruption to the Members, that would have been a charge which might either have been investigated, or at once indignantly denied; but the statement that the Members of the Committee, because they differed in opinion from Mr. Poulter, must have come to their decisions from political motives, was only an impression which existed in Mr. Poulter's mind and was not sufficient to induce the House to pass a grave condemnation on that Gentleman. The hon. and learned Gentleman opposite, had drawn a distinction between political motives and political bias, and thought that the latter expression might be used without offence; but that if a charge of political motives was made, it ought to be visited by some severe censure on the part of the House. He had never known so fine a distinction drawn before, except by Acres in the comedy of the *Rivals*, who did not mind being called a coward, but declared that he should be mightily offended if called a poltroon. He really did think, that the House had already lost a great deal of time by the present discussion, and he therefore hoped that Mr. Poulter's last explanation would be considered by the House as a justification for not proceeding further in the matter. Though he could not vote in favour of the amendment, he should, if it were rejected, certainly consider himself at liberty to move by way of amendment, that the House proceed to the Orders of the Day.

Sir *A. Dalrymple* did not concur in the construction put on the language of Mr. Poulter by the noble Lord. He understood Mr. Poulter to impute, not pecuniary, but political corruption to the Members of the Committee; and for that reason he should vote in favour of the motion.

The *Chancellor of the Exchequer* thought, the hon. Baronet did not correctly represent the explanation of Mr. Poulter; who had expressly stated, that he did not attribute pecuniary or base corruption to the Members of the Committee, though he did not retract his assertion that he had lost his seat by reason of their political opinions. It was true, that Mr. Poulter persisted in saying that the Committee was actuated by political motives, but he did not think that a sufficient reason for involving the House in the difficulties which must arise from proceeding further in the matter. He really thought, that the experience, not only of past Parliaments, but of the present also, must have taught them the wisdom of taking advantage—if they could do so without sacrificing the dignity of the House, or the characters of the Members of its Committees, which they were bound to protect—of any just and equitable mode of escaping from the embarrassment of a question like the present.

Sir *R. Peel* said, he could not vote for the proposition that the present debate should be adjourned for one month, in order that the House might have an opportunity of seeing the evidence printed; because such a motion, if carried, would constitute the House of Commons a tribunal of appeal from Election Committees; and he thought, that after the experience which had been had, of the decisions of the House of Commons previous to the passing of the Grenville Act, no one would be prepared to devolve on the House generally jurisdiction in cases of controverted elections. Then with regard to the original motion before the House, he must say, that he had shared in the desire, which he believed to be a prevailing one, to find some means of terminating the present proceeding, without resorting to a measure of severity. Considering the situation of Mr. Poulter—considering that he was smarting under what was undoubtedly a great disappointment, and, as he said, in justice, he could not hear that Gentleman's appeal, or witness the tone and temper in which the speech at the bar was delivered, without feeling an unwillingness to visit that Gentleman with the severe displeasure of the House. But he must not permit such considerations to blind him to what he regarded to be the justice of the case. He looked upon the expressions originally used by Mr. Poulter as an unqualified charge of corruption against the Members of the Committee. The noble Lord opposite had characterised Mr. Poulter's letter as intemperate and inexcusable. He wished the noble Lord had used the same language the other evening, when unfortunately he allowed some expressions to fall from him calculated to throw obstacles in the way of the settlement of this question. The right hon. Gentleman, the Chancellor of the Exchequer, said, that the Members of the Committee were entitled to the protection of the House. That was all that he asked for. The motion now before the House had been described as harsh; but it was precisely the same as had been adopted in the case of the learned Member for Dublin; and he must say, that no expressions made use of by that learned Member warranted a severer censure than did the language in which Mr. Poulter's letter was couched; for it cast imputations on the individual Members of a particular Committee. Then the question arose, had Mr. Poulter signified such a retraction of the offence as would warrant the House in letting the matter drop? Nothing would be more satisfactory to him than to think that such was the case; but, on the other hand, nothing would be more discreditable to the House than to pretend to discover an apology which really had never been made. It would be unfair to Mr. Poulter himself, for it would be imputing to that gentleman concessions to which he was no party. He doubted very much that Mr. Poulter would like the House to say "Oh, you have come very near to an apology, and we will go a little further and say you have apologised." That he thought would be unfair to Mr. Poulter. He must say, then, that the original charge of corruption remained. It was true, that Mr. Poulter disclaimed the charge of pecuniary corruption, but he had imputed a political bias to the Committee, which had dictated them to follow another course, which, if not corrupt in an imputed sense, was characterised as unjust. That was a charge of judicial corruption. So far from feeling any thing like vindictive feeling against Mr. Poulter, such had been his conduct as a political opponent in the House, and if he could forget that, his conduct at the bar that night, that he would be inclined to take the most lenient course. But personal considerations could not prevail upon him to attempt to find concession and apology in a case where honesty declared that they did not exist.

Mr. *W. S. O'Brien* if the noble Lord would move the order of the day, would withdraw his amendment.

Lord *J. Russell* moved the order of the day for the third reading of the Slavery Act Amendment Bill.

Mr. *Praed*, amidst continued cries of "Divide," was understood to suggest that the amendment of the noble Lord should be reserved until after the Committee had been vindicated by a vote of the House, and that it should be proposed on the question being put that Mr. Poulter be called up to be censured.

The House divided on the question, that the words proposed to be left out stand part of the question. Ayes 122; Noes 120: Majority 2.

List of the Ayes.

A'Court, Captain
Adare, Viscount
Arbuthnot, hon. H.
Attwood, W.
Attwood, M.
Bagge, W.
Baillie, Colonel
Baring, hon. F.
Baring, H. B.
Baring, hon. W. B.
Bateson, Sir R.
Bethell, R.
Blackburne, I.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Buller, Sir J. Y.
Canning, rt. hn. Sir S.
Cantalupe, Viscount
Cartwright, W. R.
Chandos, Marquess
Chapman, A.
Chichester, J. P. B.
Chute, W. L. W.
Codrington, C.
Cole, hon. A. H.
Conolly, E.
Cooper, E.
Corry, hon. H.
Courtenay, P.
Dalrymple, Sir A.
Douglas, Sir C. E.
Douro, Marquess of
Dunbar, George
East, J. B.
Eaton, R. J.
Egerton, W. T.
Ellis, J.
Farrand, R.
Fector, J. M.
Fellows, E.
Forester, hon. G.
Freshfield, J. W.
Gaskell, Jas. Milnes

Gibson, T.
Gladstone, W. E.
Godson, R.
Gore, O. J. R.
Goulburn, rt. hn. H.
Grant, hon. Colonel
Grimston, Viscount
Harcourt, G. S.
Hardinge, rt. hn Sir H.
Henniker, Lord
Herries, rt. hon. J. C.
Hodgson, R.
Holmes, hon. W.A.C.
Holmes W.
Hope, G. W.
Hope, H. T.
Hotham, Lord
Houldsworth, T.
Hurt, F.
Inglis, Sir R. H.
Jones, T.
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Kirk, P.
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackinnon, W. A.
Maclean, D.
Maxwell, H.
Miller, W. H.
Monypenny, T. G.
Ossulston, Lord
Palmer, G.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, rt. hon. Sir R.
Perceval, hon. G. J.
Planta, rt. hon. J.
Polhill, F.
Pollock, Sir F.
Powerscourt, Viscount
Praed, W. M.
Richards, R.
Rickford, W.
Rose, rt hon. Sir G.
Round, C. G.
Round, J.
Sanderson, R.
Scarlett, hon. J. Y.
Sheppard, T.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, Lord
Stewart, J.
Stuart, H.
Sugden, rt hon. Sir E.
Teignmouth, Lord
Thompson, Alderman
Trench, Sir F.
Verner, Colonel
Villiers, Viscount
Welby, G. E.
Wilbraham, hon. B.
Wodehouse, E.
Wood, Colonel
Wood, T.
Wynn, rt. hon. C. W.
Yorke, hon. E. T.
Young, J.

TELLERS.
Blackstone, W. S.
Fremantle, Sir T.

List of the NOES.

Adam, Admiral
Aglionby, H. A.
Archbold, Robert
Baines, E.
Ball, N.
Bannerman, A.
Baring, F. Thornhill
Barnard, E. G.
Bellew, R. M.
Bernal, R.
Blake, W. J.
Blunt, Sir C.
Bridgeman, H.
Bryan, George
Buller, E.
Callaghan, D.
Chester, Henry
Clay, W.
Craig, W. Gibson
Dalmeny, Lord
Denison, W. J.
Dennistoun, J.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, Captain D.
Dundas, hon. J. C.
Easthope, J.
Ebrington, Viscount
Elliot, hon. J. E.
Ellice, Captain A.
Evans, Sir D. L.
Fazakerley, J. N.
Finch, F.
Fitzroy, Lord C.
Fitzsimon, N.
Gordon, R.
Grattan, J.
Greenaway, C.
Grey, Sir G.
Hall, B.
Harvey, D. W.
Hastie, A.
Hawes, B
Hawkins, J. H.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Horsman, E.
Howard, Philip H.
Hume, Joseph
Hutton, R.
James, W.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macleod, Roderick
Macnamara, Major
Mactaggart, J.
Mahony, P.
Martin, J.
Maule, hon. F.
Maule, W. H.
Murray, rt. hon. J. A.
O'Brien, Cornelius
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Ferrall, R. M.
Ord, W.
Palmerston, Viscount
Parker, J.
Parnell, rt. hon. Sir H.
Pattison, J.
Pechell, Captain
Philips, G. R.
Pinney, W.
Power, J.
Power, J.
Protheroe, Edward
Ramsbottom, J.
Rice, rt. hon. T. S.
Roche, E. B.
Rumbold, C. E.
Russell, Lord J.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seymour Lord
Sharpe, General
Stanley, E. J.
Stansfield, W. R. C.
Staunton, Sir G. T
Stuart, R.
Stewart, J.
Stuart, Lord J.
Strickland, Sir G.
Style, Sir C.
Surrey, Earl of
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hon. C.P.
Thornley, T.
Troubridge, Sir E. T.
Turner, E.
Verney, Sir H.
Vigors, N. A.
Villiers, C. P.
Warburton, H.
White, A.
White, S.
Wilde, Sergeant
Wilshere, W.
Wood, Sir M.
Worsley, Lord
Woulfe, Sergeant
Yates, John A.

TELLERS.
Mildmay, P. St. J.
O'Brien, W. S.

On the main question being again put,

Mr. O'Connell moved the adjournment of the debate to next Monday.

Mr. *Hawes* thought the House had arrived at the worst period of its history, and that the decision which the House had just come to, was one which was calculated to put an end to all freedom of discussion. It was an indication that the Members of that House were influenced by political bias. He did say, that the House had come to its decision from political motives. Gentlemen had come down to the House biassed, and prepared to vote. But if they were to declare, that an imputation had been cast on the Members of the Committee, or on the majority of the Committee, because it had been said, that several of those Members, had acted from political motives, and that statement was to be considered a breach of the privileges of that House, such a decision would not only be fatal to the freedom of debate in that House, but to the freedom of discussion out of the House.

Mr. Sergeant *Wilde* owned that it seemed to him as if the House was going very much beyond any instance that he was aware of in adopting the course now proposed in reference to Mr. Poulter. He believed, that he should be considered by those who knew him, to be one of the last men who would be disposed to permit anything which would infringe on the privileges of the House. He felt, that on the maintenance of its dignity and character its usefulness very much depended. He thought, that the circumstances out of which the present question had arisen had not been sufficiently adverted to. When a Committee had been appointed by the House, and sat and acted under its authority, and when the House was afterwards called on to enforce whatever resolutions the Committee might have come to, the case was very different to that now before the House; because in this case the House must be considered as a body of jurors, from amongst whom was selected a Committee, and over that Committee the House had no power; its resolutions were its own acts, and it did not sit under the authority of the House. Therefore, he could not see how a breach of privilege could be proved. It appeared to him that the Committee did not sit under the authority of that House. They ought to be left as a jury of the country would be left to deal with any individual who should slander its character. He did not recollect an instance of any court being called on to interfere in consequence of a libel on a jury of that court. He remembered that about twenty years ago a man was tried for murder before Mr. Justice Le Blanc, who, with the jury, became the subject of a libel. The authors of the libel were tried and convicted; but then the proceedings were not instituted in the criminal court before the accused tribunal itself, but in the Court of King's Bench. He confessed, therefore, he could not understand upon what principle it was, that the House was now called upon to interfere in consequence of something that had been said in reference to a body over which it had no control. The case referred to by the hon. Chairman of the Hull Election Committee was of a different nature; because in that case the publication of the libel took place during the sitting of the Committee, and it might have been supposed, that if a Committee were open to such attacks from day to day, its Members would be deterred from doing their duty. But when a Committee had finished its labours and discharged all its functions, it did not seem to him that public justice in any degree called for the interference of that House. He believed a doubt had been suggested by an hon. Gentleman on the other side whether a prosecution could be maintained against the authors or printers of a libel in such a case. There could be no doubt about it. Those who were acquainted with the case of "The King against Williams," which was a prosecution of the defendant for a libel on the clergy of the county of Durham generally, would find very little difficulty in applying that case to the case of a majority of a Committee being libelled. Where was the difference? It was said that the Committee had come to a decision from political motives. The indictment might name the majority, and state such and such members of it as having been libelled. He therefore entertained no doubt as to the liability of a party guilty of such a libel to a criminal prosecution. The House, then, in his opinion, was not called on to interfere, either on the general principle, or in the particular case. He must say, however, that he did not think Mr. Poulter had been fairly dealt with. It seemed to him that the House was disposed to meet Mr. Poulter on anything like a reasonable explanation of his intention in the alleged libel; but then, on his being called to the bar of the House, and giving that explanation, the House turned round on him and said, "We are not satisfied; you have not met this charge by a plain statement of the facts." Various suggestions which had been made plainly indicated that the House, however much it disapproved of the letter, was disposed to meet him on a fair explanation. And what had he said? The House would observe that Mr. Poulter had used two words. He began by stating that he had lost his seat through political motives. He owned that he thought that was a mistake in the words of Mr. Poulter, as written down by the short-hand-writer, there; but afterwards Mr. Poulter said, "I do mean to insist that I lost my seat in this House from political causes, and not causes founded in justice, by the evidence." Now, what was Mr. Poulter's meaning? He was not seeking to trifle with the House by asking the House to understand the words in a different sense from that in which Mr. Poulter meant them. That gentleman came back to the bar in a temper and disposition, as it appeared to him, most anxious to do all his own honourable feelings and respect to the House would permit him to do; giving him credit for that motive, when Mr. Poulter concluded by saying, "I mean to say, that I lost my seat from political causes not founded in justice," he begged to ask whether that did not fairly mean, that Gentlemen had come to a decision which had deprived him of his seat, believing as the right hon. Gentleman had expressed it, that the justice of the case called for another decision? Or whether this was not consistent with Mr. Poulter's declaration, "I think political bias has operated in the judgment of that Committee, and the result is the consequence of that bias, and not of an impartial consideration of my case? If the House was disposed to interfere with imputations on the election Committees of that House, he was sorry to say, that he, who had spent the greater portion of his life at Westminster-hall, had frequently heard this inquiry made, "What is the constitution of these committees?" When the political bias of an election committee was known, and without at all imputing any dishonourable intention to the members of the committee, still there was an impression that was almost universal, that if any one was told the names of the committee, he would then be enabled to say whether the petition would succeed or fail. Now, with that strong feeling abroad, Mr. Poulter lost his seat, and he put it to the House whether it could fail to have perceived that Mr. Poulter made use of expressions which conveyed meanings much stronger than he intended they should; that he in fact was in the habit of conveying, and he was certain that if he had had a friend at his elbow when he wrote the letter, the expressions now contained in it would not have been found there. And what was the present situation of the House? Why, it was engaged in the discussion of a publication upon a tribunal which at present was most undoubtedly at a great discount. And the House was asked to come to a resolution that the publication was false and scandalous. But Mr. Poulter said this, not that he had witnesses to call to prove declarations out of the mouths of the Committee, but that he would show upon the notes of the evidence such a case as he believed no honourable man, even his greatest political opponent, could read without thinking that the Committee had come to a conclusion that was inconsistent with justice; if however Gentlemen opposite, whom Mr. Poulter had named, would read the evidence, and upon reading it should be able to reconcile the decision of the Committee with it, then he had said, he would confess himself to have been in the wrong, would make an humble apology, and would yield himself to any punishment that the House might think fit to impose. Now, there was scarcely a Member of the House, except those who had been on the Committee, who knew what the evidence was, and all that Mr. Poulter asked was, that hon. Members should hear that evidence before they judged him. How could any honourable man do otherwise? What would be said of a juryman who should say, "I am ready to vote that the imputation is false and scandalous, and it is beneath me to read the evidence in order to ascertain whether or not the charge is well founded?" Was the House prepared to act so, and to persevere as a question of privilege with this imputation upon certain Members constituting a tribunal created by Act of Parliament? Again, Mr. Poulter, when at the bar, though naturally embarrassed, had conducted himself in a most respectful manner towards the House; he had expressed his regret at offending the House, and went, as he thought, as far as any gentleman influenced by honourable feelings, anxious to retract a charge made in too strong terms, could go. He trusted the House would make allowances for the expressions used by Mr. Poulter at the bar, and would understand those expressions in the mildest sense. When the House looked to the division just now—122 to 120, what acquittal was it of the Committee,—what, in short, was it but the political party of the majority of the Committee acquitting their own friends? It did not appear to him that the case of the hon. and learned Member for Dublin bore any resemblance to the present case; at all events there was a distinction between the cases, and he was satisfied this case was not one in which the House could safely go forward. The House would, he thought, pursue the best course by acceding to the motion of the noble Lord.

The House divided on the amendment that the debate be adjourned for a week;—Ayes 122; Noes 116: Majority 6.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Archbold, R.
Baines, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Bellew, R. M.
Bernal, R.
Blunt, Sir C.
Brocklehurst, J.
Bryan, G.
Buller, E.
Callaghan, D.
Chichester, J. P. B.
Clay, W.
Craig, W. G.
Dalmeny, Lord
Davies, Colonel
Dennistoun, J.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, Captain D.
Dundas, hon. J. C.
Dundas, hon. T.
Easthope, J.
Ebrington Viscount
Elliot, hon. J. E.
Ellice, Captain A.
Evans, Sir De L.
Fazakerly, J. N.
Finch, F.
Fitzroy, Lord C.
Fitzsimon, N.
Gordon, R.
Grattan, J.
Greenaway, C.
Grey, Sir G.
Hall, B.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Horsman, E.
Howard, P. H.
Howard, R.
Howick, Viscount
Hume, J.
Humphery, J.
Hutton, R.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macleod, R.
Macnamara, Major
Mactaggart, J.
Mahoney, P.
Martin, J.
Maule, hon. F.
Maule, W. H.
Mildmay, P. St. J.
Murray, rt. hon. J. A.
O'Brien, W. S.
O'Connell, J.
O'Ferrall, R. M.
Ord, W.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Pattison, J.
Pechell, Captain
Philips, G. R.
Pinney, W.
Power, J.
Protheroe, E.
Ramsbottom, J.
Redington, T. N.
Rice, rt. hon. T. S.
Roche, E. B.
Roche, W.
Russell, Lord J.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seymour, Lord
Smith, R. V.
Stanley, E. J.
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornley, T.
Troubridge, Sir E. T.
Turner, E.
Verney, Sir H.
Vigors, N. A.
Villiers, C. P.
Vivian, rt. hon. Sir R.
Wakley, T.
Wall, C. B.
Warburton, H.
White, A.
White, S.
Wilshere, W.
Wood, C.
Wood, Sir M.
Worsley, Lord
Woulfe, Sergeant
Wrightson, W. B.
Yates, J. A.

TELLERS.
O'Connell, D.
Wilde, Sergeant

List of the NOES.

A'Court, Captain
Arbuthnot, hon. H.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Baillie, Colonel
Baring, hon. F.
Baring, H. B.
Baring, hon. W. B.
Bateson, Sir R.
Bethell, R.
Blackstone, W. S.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Bruce, Lord E.
Buller, Sir J. Y.
Canning, rt. hn. Sir S.
Cantalupe, Viscount
Chapman, A.
Chute, W. L. W.
Codrington, C. W.
Cole, hon. A. H.
Conolly, E.
Cooper, E. J.
Corry, hon. H.
Courtenay, P.
Dalrymple, Sir A.
Douglas, Sir C. E.
Douro, Marquess of
Dunbar, G.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Ellis, J.
Farrand, R.
Fector, J. M.
Feilden, W.
Fellowes, E.
Forester, hon. G.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gibson, T.
Godson, R.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Grimston, Viscount
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Henniker, Lord
Herries, rt. hon. J. C.
Hodgson, R.
Holmes, W.
Hope, G. W.
Hope, H. T.
Hotham, Lord
Houldsworth, T.
Hurt, F.
Inglis, Sir R. H.
Jones, T.
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Kirk, P.
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackinnon, W. A.
Maclean, D.
Maxwell, H.
Miller, W. H.
Monypenny, T. G.
Parker, T. A. W.
Parker, R. T.
Patten, J. W.
Peel, rt. hon. Sir R.
Perceval, hon. G. J.
Planta, rt. hon. J.
Pollock, Sir F.
Powerscourt, Visct.
Praed, W. M.
Richards, R.
Rickford, W.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Sheppard, T.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, Lord
Stewart, J.
Stuart, H.
Sugden, rt. hn. Sir E.
Teignmouth, Lord
Thompson, Alderman
Tollemache, F. J.
Trench, Sir F.
Trevor, hon. G. R.
Verner, Colonel
Wilbraham, hon. B.
Wodehouse, E.
Wood, Colonel T.
Wood, T.
Wynn, rt. hon. C. W.
Yorke, hon. E. T.
Young, J.

TELLERS.
Fremantle, Sir T.
Gladstone, W. E.

SUPPLY.—PENSIONS.] House in Committee of Supply.

The *Chancellor of the Exchequer* said, that he had only one vote to propose; and it was one which he earnestly hoped would meet with the assent of the House.

It was a vote founded on the unanimous recommendation of the Pension-list Committee, who had applied their best and most anxious attention to the pensions which the present vote was intended to provide for, and who had made the recommendation after the most careful and effective consideration of the whole of those cases. The Committee had felt it their duty not to say a single word in their report that could directly or indirectly compromise the final question respecting these pensions; but the Committee, as far as their inquiry had gone, felt warranted in coming to an unanimous opinion that it would be the greatest possible hardship to the parties concerned if the Crown were not to provide for the payment of those pensions that were now just become actually due. He, therefore, begged to move that the sum of 33,500*l.* be granted to her Majesty for the payment of those pensions held by persons at the demise of the Crown, and which, if regranted, would have become due on the 5th of April instant, and which were charged on the civil list of his late Majesty, or on the consolidated fund.

Mr. *Harvey* owned, that it was with no inconsiderable regret that he referred, even for a moment, to the subject of the Pension-list inquiry; because the manner in which his repeated efforts to bring those pensions fairly and dispassionately under the consideration of the Committee were defeated, and the manner in which that Committee was taken out of his hands had excited the strongest feelings within him. These feelings led him to refer to the subject with a great deal of pain; at the same time he thought it was due to those who had taken an interest in this question, both in and out of the House, that something more than the brief statement of the Chancellor of the Exchequer should be made on the part of her Majesty's Government, to justify the course now proposed, more especially when it was recollected that the Chancellor of the Exchequer engaged, when the subject was formerly under consideration, that no further grant of pensions should be made until the Committee should have made a report in reference to the claims of these parties. He owned he was surprised that so much time should have been allowed to pass away before any report whatever was made to the House; but when the Committee recently applied for permission to report from time to time, he certainly anticipated something like an elaborate report from them. The Poor-law Committee, a kindred Committee which had been sitting concurrently with the pension Committee, had made a full report, containing all the evidence that had been taken before it; whereas the pension Committee had made a report of a few words only, having for its object the payment of all the pensions that would have accrued due this quarter, as if not a single pension were to be rejected. He thought it was due to the House that the Chancellor of the Exchequer should state something more at large the nature of the inquiries which the Committee had already made into these pensions, the present situation of those pensions, and the prospect which awaited them. It was singular, that although this Committee had been sitting nearly four months—being appointed the 12th of December—three days a week, yet the only result of their labours, as far as appeared either to the House or the country, was the brief report on which the present vote was founded. They had to examine into 900 cases, which necessarily classed themselves into different heads. There were first those respecting whose claims to a continuance of their pensions there could be no doubt, and yet no report had been made as to those persons. To some of these pensioners, therefore, this delay operated as a great injustice. These cases ought to have been reported to the House in the beginning; for he took it for granted that the Committee did not sit a week before conviction flashed upon the minds of its Members that at least some of these parties were entitled to a continuance of their pensions. It was due to those parties, therefore, that no time should be lost to rescue them from the mass of suspicion which was more or less thrown around the pension-list generally. Then, on the other hand, it was to be anticipated that on going into the inquiry determinedly there would have been found a great majority of these pensioners whose claims had originally no foundation in justice. That was a class on which the Committee ought to have reported their opinion, together with the names of the parties. He had been told, and he should like to know whether it were true or not, that not a single individual had been under examination before the Committee. The course which had been taken, it appeared was this:—

The Chancellor of the Exchequer, having plenty of time on his hands, and being disinterestedly anxious to throw his mantle over those pensioners, took upon him to write to all of them requiring them to answer such questions as he in his tenderness for them thought fit to suggest; they of course giving such answers as suited best their object. The Committee upon these answers closed the cases of those who gave them, placing under the letter "A" those respecting which there was little or no doubt; and those under other letters of the alphabet respecting which there were great and grave doubts. As regarded the former, they ought long since to have been got rid of; as regarded the latter, they ought to have been examined, and all the defective claims dismissed. The Committee had done neither one nor the other; they had made no distinction between the creditable and the discreditable cases; those whose claims ought never to have been recognised, and those whose claims ought to have been recognised. And yet the right hon. Gentleman proposed a grant of a sum equal to the total amount of the pensions of all these persons. It might be supposed, that he was prepared to express his surprise at this; but quite the contrary. It was the realization of his anticipations, because he declared, as soon as the Committee was taken from his hands, that it was a proceeding based in delusion, and would end in delusion, and that as to its leading to a conclusion satisfactory and just, it was quite out of the question; and the proposition of the Chancellor of the Exchequer to-night was the first evidence in confirmation of that impression. He was quite convinced, from the manner in which this inquiry had been conducted, and in which he was satisfied it would be to its termination, that any person disposed to speculate would be a very great gainer if he were to underwrite the whole amount at five per cent. Out of the whole 140,000*l.* there would not be a reduction of 7,000*l.* From all the letters he had received and had in his possession touching the origin of many of these pensions and the present circumstances of the pensioners themselves, he was satisfied that scarcely half of them would stand the result of an honest investigation. Yet a demi-official circular, which had never been laid before the House nor the Committee, was benignantly sent to these parties, to which they of course sent answers most suited to their purpose, and upon these answers the claims of the parties, if not all retained, at least not one of them had yet been rejected. He made these remarks, not for the purpose of expressing any surprise at this course, or to justify his anticipation that the whole inquiry would be a political cheat. They had heard a gentleman at the bar to-night declare that he was filched out of his seat; and he would say, that he was filched out of his Committee, and he believed upon the same ground—political feeling. If that Committee had not been wrested out of his hands, he should have been able to have introduced such a body of evidence and to have brought the parties themselves under such close examination, that either by force of evidence or force of decency shaming persons out of their pensions, the result would have saved at least half the 140,000*l.* to the country. He did not think, considering the present state of the finances of the country, that the Chancellor of the Exchequer could, at the present time, feel inimical to any saving. He believed the right hon. Gentleman's budget, when it was brought forward, would show, that there was no surplus. He believed that the right hon. Gentleman had been obliged to forego carrying into effect many useful objects on account of the state of the finances of the country not allowing him to make any reductions. Yet notwithstanding all this, notwithstanding the state of the approaching budget, the right hon. Gentleman came down to ask a vote from the House for the payment of these pensions. The Committee had been sitting four months, and had not come to a decision upon any one case; and they were now about to adjourn for a fortnight. There would soon arrive the Epsom races, after that Whitsuntide holidays, and what was still more imporant, the coronation, so that in all probability they would have but one more month for business, for he apprehended about the middle of June would close their political existence for this Session. What ground had the Chancellor of the Exchequer for believing, that the Committee could finish their labours in a month? But whatever might be the Chancellor of the Exchequer's opinion, this was not the sort of report that the country expected to receive. But according to the information he had received, there was an act of positive injustice in this report. Some half-dozen of these pensioners, he understood, either from feelings of contrition or from being utterly incapable of parrying the interrogatories put to them, had had the decent sense of shame to forego their pensions altogether. Why should not the conduct of these persons have been made the subject of encomium in this report? He had thought it right, in order that it might not be said he was slumbering over what was originally his duty, to touch upon these topics, though he had done so with great disinclination. It would have been more satisfactory if the Chancellor of the Exchequer had given the House some insight into the labours of the Committee as far as they had gone; and some information as to what was likely to be the practical result.

The *Chancellor of the Exchequer* said, that he had confined himself to a few observations only in compliance with the wish of the Committee. Whilst the inquiry was pending, the Committee thought it would be the height of injustice on the part of the House, without notice, or without direct censure, to deprive the parties of those pensions which the present vote was intended to pay. He was prepared to justify the Committee for having taken that ground; because, whatever opinion might have been expressed by them in their report would necessarily have been expressed with reference to a partial examination of the subject before them, and that would have given rise to the inference that their future examination would not prove to be accurate. He spoke in the presence of many members of the Pension-list Committee, and he would appeal to them whether the hon. Gentleman was not in error in having suggested that this inquiry was meant by the Government, or by him (the Chancellor of the Exchequer) as the Representative of the Government, to be anything like a blind or political cheat? He would put it to his hon. Friend, the Member for Kilkenny, to the hon. Member for Lambeth, and to the hon. Member for Derby, who were all members of the Committee, whether he (the Chancellor of the Exchequer) had not, as far as any one could wish, applied himself to furnishing them with every tittle of evidence that they could require at his hands. He appealed from the hon. Gentleman who had not been present at the deliberations of the Committee to those Gentlemen who had, and let them say whether they agreed with the hon. Gentleman that there had been any attempt at concealment or of delusion on the part of the Government? He called on them to get up, and if they did agree with the hon. Gentleman, to expose the cheat. If they did not do this, then he thought the hon. Gentleman would see, that he had been misinformed as to the course of the proceedings of the Committee. The hon. Gentleman said, that he had addressed a circular letter to these parties. It was true he had done so. It was also true that no copy of that letter had been laid either before the House or the Committee; but the letter itself was perfectly notorious; it was published in every newspaper in London, and there was not a Gentleman on the Committee who had not an opportunity to see what the object of it was. It was lithographed and addressed to 900 persons, and it would have required more ingenuity than he possessed if that circular had contained any secret between him and those to whom it was sent, to have prevented that secret being divulged. The object of the circular was twofold. It was to do justice to the parties whose pensions were the subject of inquiry, and it was also intended to afford the Committee the requisite information to act upon; and he would appeal to the members of that Committee who were now present, to say in what position their inquiry would stand now if it had not been for that circular? If he had wished to make the Committee a mere political blind, he might have attended the Committee, and suffered them to begin at the first letter, and have conducted their inquiries to the last letter of the alphabet, by which the labours of the Committee would have been interminable. Instead of taking that course, he had endeavoured to procure them the best evidence he could. It was *primâ facie* evidence, he admitted; this the Committee knew, and acted accordingly, because they reserved all cases where further inquiry was considered necessary. Such had been the course he had taken, and he saw no reason to regret having done so. Let any Gentleman read the names of the Committee, and say whether there ever was a Committee over which the Government had less chance of exercising any influence. He would declare, then, that he had dealt fairly with the subject. The hon. Gentleman had made some observations to prepare the public for a result that would disappoint their expectations. Now, he had not the least doubt that the public would be satisfied with the result of the labours of the Committee. It was not for him to forestall what would be the result. He had no right to do that; his lips were closed. But as far as the public expected a thorough sifting and examination of the Pension-list, both in reference to the grounds on which the pensions were granted, and in reference to the position of the parties, he would venture to say they would obtain every satisfaction when the Committee should have made their report. The hon. Gentleman seemed to anticipate a much earlier close of the Session than he could venture to look forward to. But at whatever time the Session might close, he fully anticipated, that the Committee would not only have made their report, but would have brought under the consideration of the House and the public the whole details of the Pension-list before that period arrived. The hon. Gentleman expected, that a great majority of these cases would turn out to be such as to warrant their total rejection. He would not controvert that opinion; but he would call upon the hon. Gentleman to meet him on that ground when the whole evidence came before the House and the public. None of these pensions had been regranted since the reign of her Majesty. The Committee had recommended, that none should be regranted pending their inquiries; but in the meantime they determined that it was expedient that these payments should be made, because they did not conceive it would be just to a large class of persons, many in the greatest distress, among whom were some having the greatest claims for service, to withhold from them the payments which they had a right to calculate upon at this period. If he were at liberty to refer to some of these cases, he should be quite willing to abide by the hon. Gentleman's own opinion of the height of cruelty that would be exercised if they were to withhold from 800 or 900 individuals their only means, possibly, of meeting those engagements which they had contracted. The right hon. Gentleman concluded by appealing to the members of the Committee present whether he had exaggerated or misstated anything in respect to the proceedings of the Committee or the conduct of the Government in aiding them in their inquiries.

Mr. *Hume* said, that the only thing which he regretted with regard to the Committee upon pensions, of which he was a Member, was, that the hon. and learned Gentleman the Member for Southwark was not a Member of it. He would further observe, that had it not been for the information which the Chancellor of the Exchequer procured for the Committee, he could not hold out any hope that in the course even of the next Session they could have closed the inquiry. But for the course which the Chancellor had taken they would have been obliged to send for every individual whose name appeared on the pension list, many of whom were incapacitated by ill health or otherwise from attending, and some would be enabled to state very little indeed of the grounds upon which the pensions which they enjoyed had been originally conceded. He thought that the course adopted by the Committee was a proper one. He alluded to the classification of the claims. The first class was that of individuals about whose claims there was very little doubt, in consequence of the age of the parties and of other circumstances. The consideration of the claims of the other classes, about which further information would be required, was postponed. In a day or two the Committee would have concluded its labours with reference to the first class of claimants. Additional information would be procured by the Chancellor of the Exchequer with regard to the other class; and the Committee would then form its decision. From what he had perceived of the disposition of the Committee he thought he might state, that a very considerable portion of its Members were actuated by a desire not to continue burdens upon the public beyond what the claims of the parties, founded upon age and other circumstances, fully justified. "Although he was anxious at all times to save the public money, he was not willing to commit an injustice."

Mr. *Hawes* had certainly seen the circular of the Chancellor of the Exchequer which had been alluded to: he had read it in the public papers. He concurred with the opinion which had been expressed, that this was not the time to touch upon the points of difference which might or might not exist in the minds of Members of the Committee; but being a member of the Committee, he must say, that the inquiry had been conducted with perfect fairness, and that all the information which the Committee required had been furnished. He would also take that opportunity of regretting that the hon. and learned Member for Southwark was not a member of the Committee. There was abundant time even for the hon. Member's name to be added; the Committee had not come to any final decision upon any case; they had only made a general classification, of which the hon. Member might soon make himself master; and if the hon. Gentleman would consent to become a Member, he would be proud to bring his claims before the House. The learned Gentleman had, however, used rather too harsh terms when he had talked about a political cheat, a delusion, and so on; for he thought that whatever decision the Committee might come to, whether they should satisfy the public mind or not, yet, if there were delusion, the hon. and learned Member must take his share of it, for the hon. and learned Member had held out to the public expectations which he, after acquiring some knowledge of the different cases, believed never could be realised. He hoped that the hon. and and learned Member would not take this opinion amiss, for he assured him that he only imputed the hon. and learned Member's mistake to public and political motives; and he, after the experience he had so recently gained on the danger of making any imputations, must trust to that constitutional love of freedom which existed on that (the Ministerial) side of the House, which was not to be found on the other side.

Mr. *P. H. Howard* thought, that the hon. and learned Member had exercised a sound discretion when he brought forward this subject; for, however active the Committee might have been, they had certainly hitherto hid their light under a bushel—the natural result of the mistake of not putting the name of the hon. and learned Member on the Committee. The reason, however, on which the hon. and learned Member was excluded had now ceased, and he thought that the Government could not do better than to add the hon. and learned Member to the Committee; and he was sure that such a proposition would meet with the general assent of the House. He thought that an injustice was done when they superseded the labours which the hon. Member had bestowed upon the question, and when the hon. Member, who had sown the seed was not permitted to reap the harvest. He was glad that the hon. and learned Member had mentioned the subject, and he was glad that this was not to be a mock inquiry, for he could assure Ministers that there was no question upon which the public mind was so seriously bent as upon this.

Mr. *Warburton* could only again express his wish that the hon. Member for Southwark would give his consent to act on the Committee, if chosen, for he was sure that, if he would consent to act, a large majority, if not the unanimous vote, of the House would agree to place his name upon it, and he was convinced that a report wanting the sanction of the name of the hon. and learned Member would not be satisfactory to the public in general.

Mr. *W. S. O'Brien*, not having had an opportunity of voting on the former division, stated his cordial concurrence in the wish of the hon. Member for Bridport.

Captain *Wood*, although he had not voted on the former division, would be most happy now to vote for adding the name of the hon. and learned Member to the Committee; but if the hon. Member took his advice, he would not consent to be placed on so fruitless and unjust an inquiry.

The *Chancellor of the Exchequer* thought that the observation of the hon and gallant Member was singularly misplaced, because the result of the present motion would be, to grant for one quarter the same amount to each individual as had been previously paid; and, in the second place, the observation was most singularly misapplied, when, although the lips of the Committee were sealed, there had been that night several indications of the opinions of individual Members which, so far from being adverse to the pensions generally, were strongly in favour of the claims of justice.

Mr. *Wakley* differed entirely from the hon. Member for Middlesex as to the injustice of this inquiry, for he believed that a more strictly just inquiry had never been instituted by the House, and he hoped that the report would give satisfaction, not only to the House, but to the public. At the same time he feared that the vote which was asked of them that evening was only an unfavourable omen of the probable result of the ultimate proceeding: he feared that it would be protracted and useless. He cautioned the hon. and learned Member for Southwark against being led away by the dulcet tones which he heard on all sides. He found that there had been already four months' sittings, four months' labour, and four months' investigations of the Committee, and that the public had not been saved one farthing. What then was the object in wishing to place the hon. and learned Member in this Committee? It would remove him from the vantage ground which he then occupied as the censor of conduct of the Committee, and the critic on their proceedings; it would gag his mouth, and prevent his passing that censure which it was most likely their conduct would merit. He entreated the hon. and learned Gentleman not to give way to soft flattery, but to maintain the present position, and not on any account to become a Member of the Committee.

Mr. *Maclean* was not astonished at the expression of the hon. Member for Middlesex. Hon. Members on the opposition side of the House had always thought that the inquiry was not proper, and that it would be fruitless, and their opinion had been strikingly borne out by the four months which had passed without any useful result.

Mr. *Hume* said, that it must not go forth that four months had passed, and that nothing had been done. This was not the fact; many Members of the Committee had individually made up their minds, though not as a body, and it would only take two days more to finish the first inquiry.

Mr. *Goulburn* was satisfied with the vote which the chairman held in his hands, and he was so without any alteration of the opinion which he had formerly expressed: to that opinion he still adhered; but when the labours of the Committee had terminated, it would be the proper time to discuss its conduct. The discussion that evening seemed to be entirely confined to complimenting the Chancellor of the Exchequer, by Gentlemen who, sitting three days a week with him, were well able to judge of his good qualities; and another part had been devoted to complimenting the hon. and learned Member for Southwark. Whether the right hon. Gentleman, or the hon. and learned Member would accept the compliment, it it was not for him to determine; but of course the hon. and learned Member must be extremely flattered with the universal regret at his absence from a Committee which seemed to be conducted with so much harmony and self-satisfaction, especially when he recollected the part taken by the right hon. Gentleman on a former evening as to his appointment.

Vote agreed to; the House resumed.

POOR RELIEF (IRELAND).] The order of the day for the further consideration of the report on the Poor Relief (Ireland) Bill having been then read,

Mr. *Poulett Scrope* rose to move the introduction of a clause enabling boards of guardians to give relief to able-bodied paupers, by employing them on public works. He had refrained from interfering at an earlier period to move the introduction of the clause which he now proposed, from a wish to see the Poor-law adopted, for he was of opinion that any Poor-law for Ireland, in whatever shape it might be, would be most beneficial for that country. With regard to the measure now before the House, he was of opinion that it contained the three elements necessary to secure its provisions being properly carried out, and he thought that, the principle of the Bill once adopted, its details would soon be agreed upon. The three elements secured by this Bill were, the establishment of a central board of control; of efficient local machinery in the boards of guardians; and the building of workhouses; without which no Poor-law could work well without abuse. He did not conceive that relief should be confined to that which was given in the workhouses, and if he thought so in reference to England, he was still more so with regard to Ireland, where the mass of destitution was so much greater than in this country. The main difficulty in the present Bill was, that no out-door relief was given, and especially to the able-bodied poor, and the workhouse relief was totally and lamentably insufficient. Mr. Nicholls, in his calculations upon this subject, had, in his opinion, improperly taken the English system as the basis on which he founded his speculations, and it was ascertained, that during the two years for which the law had been in operation, in the 210 unions which had been formed, no less than one-twelfth part of the population of the country, calculated upon the census of 1831, had received relief either in or out of the workhouses. The calculation, however, upon the census of 1831, was inapplicable to the present period, and therefore the probability was, that in reality one-tenth part of the population had been relieved. Now, taking this as the groundwork, he found that the workhouses proposed to be built in Ireland would contain about 80,000 persons, a number infinitely smaller than they would be required to accommodate, when the enormous amount of destitution in the country was considered, and, in fact, it would most probably be found that one million or more would be the real number whose situations would call for relief. Now, no workhouses could be constructed which could contain so many, and therefore his proposition was, thatt he surplus paupers should be relieved by means of work being provided for them in the public establishments or manufactories. The framers of the Bill had admitted, that there would be a surplus population unprovided for, when they introduced the clause enabling the boards of guardians to find funds to promote emigration; but he was of opinion, that however desirable that mode of disposing of them might be, the plan which he suggested was infinitely preferable. His clause, it must be observed, only introduced the principle of the English Poor-law, for it was in evidence before the Committee, that in the manufacturing districts it was sanctioned by the Commissioners, when the workhouses were full or pressed upon, that the paupers should be relieved by their being employed in public works and in manufactories. The case of Ireland, then, was precisely similar, and abundance of hands would be found to carry his proposition into effect. It was not proposed to give the board of guardians unrestrained powers, but they were to exercise the authority proposed under every possible check, by which means the possibility of a job would be prevented. The hon. Member concluded by moving the following clause:—

"And whereas several works of public utility are being now, or may hereafter be, carried on in Ireland, by, or under the direction of, the board of public works, or of the county or baronial surveyors, and by means, or with the aid of, funds raised by general or local taxation, and that such works may afford the means of employing some of the able-bodied destitute poor of Ireland; be it enacted, that the guardians of any union shall be and are empowered (subject always to the control and directions therein of the Commissioners) to make such arrangements as they may think fitting with the board of works, or with any surveyor, engineer, or contractor, engaged in the execution of any public work, for the employment upon such work of any of the able-bodied destitute poor who shall apply to the said board for relief, and to pay such sums as may be necessary for defraying the cost thereof out of the rate raised by them for the relief of the poor in their union, anything to the contrary in this Act contained notwithstanding. Provided always, that every such arrangement be sanctioned by the board of guardians at two successive meetings, and that a written notice be sent by the clerk of the union to each guardian of the union of such intended proposal, at least six days before the last meeting at which such arrangement is finally to be determined."

Mr. *W. S. O'Brien* had much pleasure in supporting the proposition, because it was similar to one which he had himself before introduced, and he was of opinion that it was highly necessary to secure the successful working of the Bill.

Clause read a first time.

On the question that it be read a second time,

Lord *John Russell* said, that he should object to the clause on the grounds which he had before stated when a similar provision was proposed. He considered, that the clause, if agreed to, would carry into effect the principle of out-door relief by the guardians, and he was of opinion that it would be far safer that this Bill should not sanction that principle. The system in England could not be properly carried into effect without great difficulty, and in Ireland its operation would produce still greater abuses. The reasons for which he was of opinion, that the clause should be opposed had already been exceedingly well stated to the House by an hon. Member when a similar proposition was formerly made; but he thought that the strongest ground was, that those should pay the wages of the poor by whom the fruits of their labours were enjoyed, and it would be found that this principle would speedily be acted upon, for when a man found that he was paying for the support of an able-bodied labourer in the workhouse, he would rather employ him and obtain the benefit of his services. But if the board of guardians were to have the power of employing labourers, although in this country particular circumstances rendered such a course necessary, a most dangerous principle would be introduced into a new law, the omission of which would be much safer.

Clause negatived.

Mr. *Redington* then proposed the following in lieu of clause 15, contending that it was most important that the measure should be introduced throughout the country at the same time:—

"And be it enacted, that it shall be lawful for the Commissioners, and they are hereby required, at one and the same time, by order under their seal, to divide the whole of Ireland into such and so many unions for the relief of the poor as they may think fit, to be styled by such names as they shall in such order direct."

Clause negatived.

Mr. *Redington* then proposed the following clause:—

"And be it enacted, that every person begging or gathering alms, or placing himself for the purpose of receiving or gathering alms, or setting any child so to do, within any union in which the Commissioners shall have declared a workhouse to be fit for the reception of destitute poor, shall, on conviction thereof before any justice of the peace at petty sessions in open court, either by confession of such offender, or by the evidence on oath of one or more credible witnesses, be committed to the common gaol or house of correction, there to be kept to hard labour for any time not exceeding one fortnight for the first offence, and not exceeding one calendar month for the second offence: Provided always, that no person shall be liable to be so convicted who shall have applied to be admitted to the workhouse of such union, and been refused admittance thereto by the guardians or other officers of such union workhouse, by reason of their inability to accommodate such person or child; and provided also, that no person shall be so committed to such gaol or house of correction (if it be the first offence), who, not having applied for admission to the workhouse previous to his conviction, shall then express his readiness to enter such workhouse; and no such conviction shall under any circumstances take place unless such workhouse shall at the time be capable of receiving such person."

Clause negatived.

Sir *Robert Bateson* proposed the following clause:—

"That the majority of the guardians and rate-payers in each parish shall have a power to levy a rate, not to exceed one shilling in the pound on the government survey and valuation, for the support of the aged, the infirm, the lame, the blind, the widow, the orphan, and the really destitute poor, who have been resident in such parish for three years; and that when such voluntary assessment is made, that the Poor-law Commissioners shall have no power over such parish or union of parishes."

Clause negatived.

The Bill to be engrossed.

HOUSE OF LORDS,

Tuesday, April 10, 1838.

MINUTES.] Bills. Read a first time:—Ecclesiastical Patronage Act Amendment; Holding of Petty Sessions.—Read a second time:—Haileybury College.

Petitions presented. By the Duke of RICHMOND, from Merchants of the metropolis trading with the New Zealand Islands, for efficient steps for the protection of their property and commerce; and from the Protestant and Roman Catholic inhabitants of a parish in the county of Cork, for a final and amicable settlement of the Tithe question.—By the Marquess of SLIGO, the Duke of SUTHERLAND, the Earl of DURHAM, the Duke of RICHMOND, the Earl of SHAFTESBURY, and the Earl of SHREWSBURY, from a great number of places, for the Immediate Abolition of Negro Apprenticeship.—By the Earl of ABERDEEN, from a place in Scotland, for Church Endowment.—By Lord GLENELG, from Lower Canada, for an union of the two provinces of Upper and Lower Canada.

ROMAN CATHOLIC PRELATES.] Viscount *Lorton* presented a petition from the Protestant inhabitants of the parish of Dare, in the county of Cavan, for the restoration of the ten Irish bishoprics which were suppressed by the Irish Church Temporalities Bill. The noble Viscount said, he should take that opportunity to put a question to the noble Lord at the head of her Majesty's Government, and to enable him to do so he should first read a clause contained in the Roman Catholic Relief Bill. His question had reference to certain letters which had recently been addressed to Lord John Russell by a Roman Catholic prelate. He did not mean to say anything as to the spirit or tendency of those letters, which were signed "John Tuam." Now, the 24th section of the Roman Catholic Relief Act ran thus:—

"And whereas the Protestant episcopal church of England and Ireland, and the doctrine, discipline, and government thereof, and likewise the Protestant Presbyterian Church of Scotland, and the doctrine, discipline, and government thereof, are by the respective acts of union of England and Scotland, and of Great Britain and Ireland, established permanently and inviolably; and whereas the right and title of archbishops to their respective provinces, of bishops to their sees, and of deans to their deaneries, as well in England as in Ireland, have been settled and established by law; be it therefore enacted, that from and after the commencement of this act it shall not be lawful for any person, other than the person thereunto authorised by law, to assume or use the name, style, or title of archbishop of any province, bishop of any bishopric, or dean of any deanery, in England or Ireland; and every person so offending shall for every such offence forfeit and pay the sum of 100*l.*"

Now, the question which he had to ask,

and he trusted that a satisfactory answer would be given, was, whether steps had been taken by the Government to enforce this penalty, in consequence of a Roman Catholic prelate having assumed the title of archbishop and affixed the signature of "John Tuam" to certain inflammatory letters addressed to one of her Majesty's Secretaries of State?

Viscount *Melbourne* said, it was a matter, in the first instance, to be inquired into by the Irish government. He did not know whether any steps had been taken with reference to it, but he should inform himself on the subject.

Subject dropped.

HOUSE OF LORDS,

Wednesday, *April* 11, 1838.

MINUTES.] Bills. Received the Royal Assent:—Slavery Abolition Act Amendment; Mutiny; Marine Mutiny; Annual Indemnity; First Fruits and Tenths.

Petitions presented. By Lord KING, from Chorley, and another place, for the immediate abolition of Negro Slavery.

THE CORONATION.] The Marquess of *Londonderry* was sorry that the noble Viscount at the head of her Majesty's Government was not present, as he wished to elicit information on a subject of considerable importance. It was with great regret he perceived, from the proclamation which had appeared in the *Gazette*, that it was in the contemplation of her Majesty's Ministers to follow, in the ensuing Coronation, the precedent which had been set at the coronation of his late Majesty. He wished, therefore, distinctly to know, whether it was the intention of her Majesty's Ministers to pursue the same line as to the forms to be observed on this occasion which had been adopted at the last coronation, or whether those ceremonies would be observed which were formerly considered indispensable? In the present instance, he confessed he was of opinion, when a young and illustrious personage was coming to the throne—when it was unlikely that another coronation would take place for many years—when, most probably, few of their Lordships would witness another, that the ceremony should be marked by royal splendor and magnificence. In his view of the subject royalty ought not to be shorn of its beams on this occasion. Any diminution of proper splendor would not be consisten with the dignity of this great and loyal country. He would say more, that such a species of economy as would effect a small saving by omitting a considerable part of the ceremony, would be in every respect objectionable. When a gorgeous embassy was sent to a foreign nation, when the representative of majesty was present at the coronation of a foreign potentate, he could see no reason why there should be any diminution of splendor on this occasion. They were, on the contrary, bound in duty to see that the august ceremony of the coronation in this country was celebrated with due magnificence, and that the whole of the customary forms were preserved. Such being his opinion, he should think it his duty on a future day to submit a motion to their Lordships on the subject. If ever there was a moment when all parties with one accord joyfully hailed the commencement of an auspicious reign—if ever there was a moment when all parties were anxious to see the coronation celebrated in the most splendid manner that this country was capable of affording—it was the present moment. And more especially when they looked around them, and saw the desire of change and innovation which was daily gaining ground, they ought at such a period to testify their veneration for those ancient marks of outward respect which were connected with the august ceremony of the coronation. He felt very strongly on the subject, and his determination was, on a very early day after the recess, to offer to their Lordships some motion on the subject.

The Marquess of *Lansdowne* regretted that his noble Friend was not present to hear the observations of the noble Earl. His noble Friend was not aware that any business would be brought forward; and, after waiting a quarter of an hour, he had gone away, having a pressing engagement elsewhere. As to the matter to which the noble Marquess had alluded, it was not necessary that he should reply to the observations of the noble Marquess, as it was the intention of the noble Marquess to bring the question forward after the recess. With respect to the arrangement, it had certainly been notified in the *Gazette*, that the precedent of the last reign, by which the banquet in Westminster-hall was dispensed with, would be followed. But still the matter was open for consideration.

The House adjourned to April 27th for the Easter holidays.

HOUSE OF COMMONS,

Thursday, April 11, 1838.

Minutes.] Petitions presented. By Alderman Wood, from the Printers of London, by Mr. Dennistoun, from those of Glasgow, by Mr. Wakley, from the Compositors of the *Morning Advertiser*, from the Printers in the employment of Messrs. Spottiswoode, Nicholls, M'Dowell, and White, and from the Stereotypers of London, by Lord Dalmeny, from the Printers of Stirling, by Mr. Easthope, from the Printers of Leicester, by Mr. D. W. Harvey, from those of Southwark, and by Mr. P. Thomson, from the Compositors of London and Manchester, against the Copyright Bill.—By Mr. Hume, from Shields, and by Mr. F. Dundas, from Stromness and Orkney, against any further Endowment to the Church of Scotland.—By Mr. Wakley, from 4,000 members of the Working Men's Association at Bristol, for a further extension of the elective Suffrage; from 1,160 inhabitants of Stockport, and from the Bricklayers of London and Manchester, and from other places, for an inquiry into the delay in sending back the Dorchester Labourers to England.—By Sir G. Grey, from Montreal, and from Quebec, for the junction of the two provinces of Canada under one form of Government.—By Sir G. Strickland, and Lord Morpeth, from the West Riding of Yorkshire, for the Immediate Abolition of the Apprenticeship system in the West Indies.—By Mr. P. Thomson, from Manchester, to permit an Inland Bonding system.—By Mr. William Roche, from parishes in Cork and Limerick, for an immediate settlement of the Tithe question.—By Mr. Blackstone, from Wallingford, against the system of National Education in Ireland.—By Mr. Chalmers, from Montrose, for the Abolition of Negro Apprenticeship; and from several Secession and Relief Congregations, against any further Endowment of the Church of Scotland.—By Mr. F. Dundas, from places in Yorkshire, against the Negro Apprenticeship system.—By Mr. Barnard, from Deptford, complaining of the great expense of the Poor-law Union.

Duties on Silks.] Sir *F. Trench* said, he had a question to ask connected with the deplorable state of the Spitalfields manufacturers, 50,000 of whom were in a state of the deepest distress, and enduring sufferings of the most extraordinary description. He had seen a newspaper of that morning, containing a report of the debates in the French Chamber of Deputies, in which it was stated by M. Martin that the Agricultural Committee had expressed an opinion that it would be necessary to augment the duty upon linen. Now, if the French Government protected their hand-loom weavers, he thought the British Government ought to do the same. The question he wished to put was, whether it was the intention of Government to do anything towards protecting our own manufacturers, and towards mitigating the sufferings of that unfortunate class of the community?

Mr. *Poulett Thomson* wished the hon. Gentleman had specified more clearly what his question was: but it appeared to him that the meaning of the question was, whether it was the intention of the Government to alter the duty upon silk goods? In answer to that question, he would say at once, that it was not the intention of the Government to do anything whatever that should increase the duty upon silk goods, or to alter the present state of the law, unless they were compelled to do so by political motives, or by the conduct of France with respect to the goods imported into that country. He would only add, that if the hon. Gentleman was of opinion that the alteration in the duties which had taken place, and the change of system on the subject of the silk manufactures had proved injurious to the trade of this country, he would recommend the hon. Gentleman to bring forward a motion on the subject, and he (Mr. P. Thomson) would pledge himself to prove, that, so far from having been injurious, it had been highly beneficial to the silk trade of this country.

Supply—Report.] The Report of the Committee of Supply was brought up.

Mr. *Hume* said, that having seen in the public papers a declaration of Mr. Hyam that the revenue was 665,000*l.* less than the actual expenditure, he thought it time that the House should come to some resolution respecting pensions, so as to postpone the paying of them, until they knew how they were to be provided for. He wished to know in what way, if they voted this 33,000*l.* for the payment of pensions, that payment was to be provided for?

The *Chancellor of the Exchequer* said, he was sorry that the hon. Gentleman had asked a question which it would be difficult to answer satisfactorily, without going into more detail than the mere circumstance of the present vote enabled him to do; but, at the same time, if the question remained unanswered, or any doubt was thrown on the subject, he felt that a very great mistake might arise in the public mind. It was perfectly true, as the hon. Member had stated, and indeed it was nothing but repeating what he had stated on a recent occasion, namely, that it was impossible for a great commercial crisis like that through which this country had passed to occur without affecting the public revenue. If, on that account, there was felt any, even the slightest, mistrust of the national resources of the country—if it were felt, that that cause to which he had adverted had created anything like distrust respecting the resources of England, he should think that such a mistake produced in the public mind would be as great as it was mischievous. Any Gentleman conversant with the state of England in the course of the last six or eight, and he might say, twelve months, he must feel at once gratification and pride in thinking that they had weathered the enormous difficulties that pressed upon this country by these events, without much more of suffering, and without much more of loss, than that entailed on this country and upon individuals. In the course of the last year Gentlemen were aware that we had to encounter commercial circumstances which were almost unexampled in the commercial history of England. The resources of her mercantile bodies, and of the public generally, had enabled the country to go through that very severe trial. But it was not simply to this that the result was to be referred, for he must say, and he said it the more freely, because it referred to the transactions of another country, that the efforts of the American people in the discharge of their commercial engagements had been such as to reflect the highest credit upon them. Under these circumstances the pressure, though it had produced very great loss to the country, and much of calamity to individuals, and had kept back the progress of our manufacturing industry, and though it had acted upon our foreign power, and through it upon our commerce, it had yet produced much less of mischief than might have been expected. The result, undoubtedly, according to the existing state of the revenue, as he should have occasion to state more fully hereafter upon a review of the transactions of the last year, was anything but satisfactory; but it was going too far to consider that because it was not satisfactory, and because there was a deficiency of two millions, that therefore any, even the slightest degree of distrust was to be cast upon the means which this country possessed to discharge its obligations. The hon. Gentleman had stated that, comparing the revenue of one year with the other, there was a deficiency of over two millions. This was perfectly true; but the hon. Member knew full well that he was comparing two things between which there was no fair measure. The hon. Member knew that they had anticipated revenue in the course of that year, in the tea duty alone, which made a difference on the year of between 1,200,000*l.* and 1,500,000*l.* When the hon. Member saw this large deduction, he ought, in order to balance the account justly, to make a corresponding reduction from the revenue of the first year, as otherwise they could not be justly compared. But even, after making this deduction, there would be a falling-off in the revenue, which would impose upon him the responsibility of explaining the causes thereof to the House upon a future occasion; but he would say, that he did not think there was anything in this to discourage either the House or the public with respect to the general revenue of the country; much less did he think that it imposed any difficulty in the way of providing for the pensions, which was the object of the particular question before the House. He regretted that it was not possible for him to lay before the House that evening, but immediately after the adjournment of the House he should be able to lay upon the table of the House, not the mere account which the hon. Member for Kilkenny had referred to, but a statement of a balance sheet up to April the 4th, which would show the difference between the income and the expenditure of the country. This would put the House in full possession of the whole of the facts, and would, he hoped, give the fullest satisfaction on the subject. He would very much urge upon hon. Members, if they wished to put questions of this kind, not to put them in a manner which would lead to inferences that would excite a great deal of alarm out of doors, and create despondency where there was no real ground for it. When the balance-sheet was in the hands of hon. Members, they would be better able to understand the subject, and he would be better qualified to give them information than he was at the present moment.

Mr. *Hume* had no wish to enter into the general state of the revenue; all he wished to know was, how, when there was a deficiency of 665,000*l.*, they were to provide for the payment of pensions to the amount of 33,000*l.*? Did the right hon. Gentleman mean to borrow money, or in what way was this money to be obtained, when it was evident there was no money in the Treasury?

The *Chancellor of the Exchequer* said,

that the hon. Member had confounded two things. He begged to remind the House that the declaration with respect to the revenue at a particular time could not refer to the state of the revenue now. He did not mean to state that the revenue was in a better condition; but the declaration of Mr. Hyam referred to an antecedent state of the revenue, namely, the account for the last quarter. That declaration, therefore, referred to the income and expenditure of a by-gone time. In reply to the question of the hon. Member, he begged to say, that he intended to provide for the payment of this vote by the issue of deficiency bills, payable with interest. The very case that had arisen was provided for in that respect by the law of the land as it stood. But there was great difficulty in answering such questions without going into details, and he would only say, that there was nothing in the slightest degree to create any permanent alarm or apprehension in the mind of any Gentleman whatever; and he only regretted, that questions were put in a manner which, if left unexplained and unanswered, might create alarm.

Mr. *Hume* said, that if the right hon. Gentleman had spoken out at first he should have understood him. He now understood that the right hon. Gentleman would borrow from the Bank the amount of the deficiency.

Colonel *Sibthorp* said, it was very natural that hon. Members should wish to know how the sums required for present expenditure were to be paid in the present state of the revenue. With respect to the question of the hon. Member for Kilkenny, he thought the House ought not to adjourn till they had received a more satisfactory account, in detail, from the Chancellor of the Exchequer. The right hon. Gentleman did not like to go into these details; he believed not, and he believed also, that if they had a statement of the real facts of the revenue, it would be found to be in a worse condition than at almost any former period. He thought it was the duty of the right hon. Gentleman to state what were the sources from which he intended to pay this sum of 33,000*l.*

Mr. *Hume* said, he would not now make any objection to the vote, although he thought it was inconsistent with the interests of the public to vote so large a sum for such a purpose, when there was a deficiency in the revenue of no less than 600,000*l.*, and they knew the money was to be borrowed. That was a bad way of managing the finances of the country. He trusted that when the House met after the recess, the Chancellor of the Exchequer would be in a situation to free himself from the necessity of borrowing from the Bank. In his opinion it was a bad system, as it enabled Ministers to borrow from the Bank without the knowledge of that House, which ought never to be the case. Before he sat down, he wished to ask another question. When the hon. Member for Greenock brought forward charges againt the Post-office at Glasgow, he stated that a practice existed there of opening letters and extracting money. A statement was made that no such practice existed. Within the last month discoveries had taken place of great abuses in the Post-office department at Glasgow. He wished to ask whether the right hon. Gentleman had directed the department acting under him to institute an inquiry into that proceeding, and that it might be public, because on a former occasion, when abuses had been proved to exist, an inquiry was instituted and kept secret for four or five years, and the public knew nothing of it.

The *Chancellor of the Exchequer* said, he had not received any report of the particular transaction to which the hon. Gentleman referred. In consequence, however, of the conversation that occurred in that House, he had given directions to carry into effect two of the recommendations that had been made. One was the registration of letters, which was a matter of very considerable importance, as the party, by registering the letter, could make the Post-office responsible for its safe delivery. He had also established, as part of the Post-office, a money-order officer, thus enabling the poorer classes to ensure the safe delivery of the smallest sum to the party entitled to receive it. These two recommendations had been already adopted. With respect to the transactions at Glasgow, an immediate inquiry should be instituted.

Report agreed to.

HOUSE OF COMMONS,

Wednesday, April 25, 1838.

MINUTES.] Petitions presented. By Sir G. STAUNTON, from Wesleyans of Portsea, by Mr. JAMES, from certain parishes in Cumberland, by Mr. ELLIOT, from places in Roxburghshire, and by Mr. Wynn, from Denbigh, for the immediate termination of Negro Slavery.—By Lord Alford, from a parish in Hertfordshire, for a reduction of the rates of postage.—By Mr. Hume, from Kilkenny, against the Irish Salmon Fishery Bill; and from Mr. Glenny, against the monopoly of the Queen's printer in Scotland.—By Mr. Hastie, from the letter-press printers of Paisley, by Mr. Dennistoun, from nine different places in Scotland, by Mr. F. Kelly, from the compositors of Ipswich, by Mr. Strutt, from the compositors of Derby, by Mr. Chalmers, from the booksellers of Dundee, by Mr. Wakley, from the members and council of the British Medical Association, and from the members of several printing establishments in London, Bolton, Preston, Bristol, Halifax, &c., by Mr. Hume, from twelve places, of which he only enumerated York and Bristol, by Mr. Grote, from several printing-houses in London, by the Attorney-General, from the booksellers and publishers and from the letter-press printers of Edinburgh and Cambridge, by Sir W. Follet, from Dublin, from the booksellers and publishers of Exeter, and from booksellers and publishers of London and Westminster, and by Mr. Jervis, from master printers of London and from Chester, against the Copyright Bill.—By Mr. Grote, from James and William Bentley, of the city of Toronto, in Upper Canada, complaining of divers grievances.—By Sir E. Hayes, from a place in Ireland, against the Irish Poor-law Bill.—By Lord Dalmeny, from Stirling, against any further endowment to the Church of Scotland.

GREAT YARMOUTH ELECTION.] Mr. *Williams Wynn* said, a petition had been put into his hands to present to the House upon a subject of very great importance, and to which he begged the attention of the House, as the subject required an immediate answer. The petition was from Mr. Thomas Baker, the agent for the petition against the return for Great Yarmouth, and the statement of the petitioner was as follows:—That on the 17th of the present month (April) he went to the office of Mr. Barth, the mayor, and the returning officer, for the purpose of serving him with the order for the production of all the books connected with the late election. On inquiry at that office he was told that Mr. Barth had left Yarmouth that morning at six o'clock, and would not be back before the following day. On the following day he again called at the office, and was informed that Mr. Barth had not yet returned, and that it was supposed he was gone to London. The petitioner then went to the dwelling-house of Mr. Barth, where he saw Mrs. Barth, whom he informed that his object was to deliver an order for the production of the books relating to the late election. Mrs. Barth then informed the petitioner that the books in question were not there, and that she did not know where Mr. Barth was, and referred the petitioner to her son, who was a practising attorney. The petitioner then went to Mr. Samuel Jeffery Barth, who said that he could not assist him, that he supposed Mr. Barth was gone to London, that he did not know where he was to be found, but that no doubt Messrs. Churchill and Sim, in 'Change-alley, who were his father's brokers, would know something of him. The petitioner then went to London; he arrived on Thursday at ten o'clock, and called at 5, Old Broad-street, where Messrs. Churchill and Sim's office was, and not in Change-alley, when he was informed by those gentlemen that they had not seen Mr. Barth, nor did they know that he was in town. The petitioner left a copy of the warrant at Messrs. Churchill and Sim's; and then proceeded to several hotels where Mr. Barth was in the habit of staying when in London, but at neither of these places could he obtain any intelligence of him. The petitioner then went on to state, that subsequently, in consequence of information he had received, he went to the shop of a Mr. Parks, and there found that Mr. Barth had been in the habit of calling there frequently for several days past, but that Mr. Parks did not know where he lived. It appeared further, that on the day Mr. Barth came up to London, a letter was posted directed to him to Nottingham, which was obviously done to mislead those who were seeking after him. The petitioner, therefore, submitted the case to the House, in order that the House might deal with it in such a manner as it thought proper. Mr. Barth must be aware that the poll-books would be required by the Committee appointed to try this election, and it could not be doubted that he kept out of the way in order to defeat the case of the petitioners. The petitioner, therefore, prayed the House to give directions on the subject, and in the meantime to postpone the ballot on this petition, which stood for the following day. He did not think that the House could postpone the ballot on the mere statement of this petition; but if the petitioner were examined at the bar on the subject, the House might see grounds to grant such postponement. He should therefore move, that Mr. Thomas Baker be called to the bar.

The *Attorney-General* said, that he should oppose the motion, because, even if all the allegations of the petition were true, it was not a case for the interference of the House. He did not wish that the ends of justice should be defeated; so far from it: and if the party in question had absconded for the purpose of defeating an inquiry before the House in this matter, it was a very grave offence, and he should be exemplarily punished for it. But what was the course by which this should be accomplished? He thought that the first step towards it would be to appoint the Committee, who would then have power to adjourn from time to time, until Mr. Barth had been found and brought before them. In his opinion the right hon. Member's motion would defeat the ends of justice. As yet Mr. Barth had been guilty of no offence for which he could be punished; for who was to know but what he would still obey the order of the Speaker, and appear before the Committee with the books of the election? On the other hand, if the ballot were postponed it would occasion great additional expense and inconvenience to witnesses on both sides, and to the sitting Members, against whom not the slightest charge of collusion with Mr. Barth had been alleged. Moreover there were no precedents for the course proposed by the right hon. Member, and upon all these grounds, therefore, he should oppose it.

Mr. *W. Wynn* said, he could not see how the sitting Members could be prejudiced by the course he had proposed more than by that suggested by the Attorney-General. He should only propose to postpone the ballot for one week, and in the mean while to make an order for the attendance of Mr. Barth, who would be bound to take notice of it, as every body was, of orders of this House published in their votes; and then, if Mr. Barth did not attend to that order, steps might be taken to take him into custody or to offer a reward for his apprehension. With respect to the objection of the Attorney-General that there were no precedents for this proceeding, he believed, that the reason was, that such an occurrence as that which this petition detailed had never taken place before. But there were many occasions upon which the House had postponed the ballots upon election petitions, and upon much more frivolous grounds than the present. Cases had occurred of ballots being postponed because counsel employed upon them were absent on circuit. He should, therefore, persist in his motion.

The House divided:—Ayes 78; Noes 100: Majority 22.

List of the Ayes.

A'Court, Captain
Barrington, Viscount
Blair, J.
Blakemore, R.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Buller, Sir J. Y.
Buller, Sir C.
Cartwright, W. R.
Clive, hon. R. H.
Conolly, E.
Courtenay, P.
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
D'Israeli, B.
Dunbar, G.
Estcourt, T.
Follett, Sir W.
Forester, hon. G.
Freshfield, J. W.
Gibson, T.
Gladstone, W. E.
Gordon, hon. Captain
Graham, rt. hn. Sir J.
Grant, hon. Colonel
Hayes, Sir E.
Hillsborough, Earl of
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A'C.
Holmes, W.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Inglis, Sir R. H.
Irving, J.
James, Sir W. E.
Kelly, P.
Knatchbull, hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, hon. W. S.
Liddell, hon. H. T.
Lowther, hon. Colonel
Lowther, J. H.
Lucas, E.
Lygon, hon. Gen.
Mackenzie, T.
Mahon, Viscount
Maidstone, Viscount
Milnes, R. M.
Nicholl, J.
Pakington, J. S.
Peel, rt. hon. Sir R.
Peyton, H.
Praed, W. M.
Pringle, A.
Reid, Sir J. R.
Richards, R.
Rushbrooke, Colonel
Scarlett, hon. J. Y.
Scarlett, hon. R.
Somerset, Lord G.
Steuart, H.
Sugden, rt. hn. Sir E.
Thomas, Colonel H.
Trench, Sir F.
Trevor, hon. G. R.
Verner, Colonel
Walsh, Sir J.
Wood, T.
Wynn, rt. hn. C. W.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Maclean, D.

List of the Noes.

Adam, Sir C.
Bannerman, A.
Barnard, E. G.
Bernal, R.
Blake, W. J.
Blunt, Sir C.
Brotherton, J.
Byng, rt. hn. G. S.
Callaghan, D.
Carnac, Sir J. R.
Cavendish, hon. G. H.
Chalmers, P.
Chester, Henry
Collins, W.
Craig, W. G.
Crawford, W.
Davies, Colonel
Dennistoun, J.
Divett, Edward
Duckworth, S.
Duncan, Viscount
Duncombe, T.
Dundas, C. W. D.
Dundas, Captain D.
Dundas, hon. J. C.
Elliot, hon. J. E.
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, R.
Finch, F.
Gordon, Robert
Grattan, J.
Greenaway, C.
Grote, G.
Hastie, A.
Hawes, B.
Hayter, W. G.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hodges, T. L.
Howard, P. H.
Hume, J.
Hutton, Robert
James, W.
Kinnaird, hon. A. F.
Langdale, hon. C.

which the Committee required had been furnished. He would also take that opportunity of regretting that the hon. and learned Member for Southwark was not a member of the Committee. There was abundant time even for the hon. Member's name to be added; the Committee had not come to any final decision upon any case; they had only made a general classification, of which the hon. Member might soon make himself master; and if the hon. Gentleman would consent to become a Member, he would be proud to bring his claims before the House. The learned Gentleman had, however, used rather too harsh terms when he had talked about a political cheat, a delusion, and so on; for he thought that whatever decision the Committee might come to, whether they should satisfy the public mind or not, yet, if there were delusion, the hon. and learned Member must take his share of it, for the hon. and learned Member had held out to the public expectations which he, after acquiring some knowledge of the different cases, believed never could be realised. He hoped that the hon. and and learned Member would not take this opinion amiss, for he assured him that he only imputed the hon. and learned Member's mistake to public and political motives; and he, after the experience he had so recently gained on the danger of making any imputations, must trust to that constitutional love of freedom which existed on that (the Ministerial) side of the House, which was not to be found on the other side.

Mr. *P. H. Howard* thought, that the hon. and learned Member had exercised a sound discretion when he brought forward this subject; for, however active the Committee might have been, they had certainly hitherto hid their light under a bushel—the natural result of the mistake of not putting the name of the hon. and learned Member on the Committee. The reason, however, on which the hon. and learned Member was excluded had now ceased, and he thought that the Government could not do better than to add the hon. and learned Member to the Committee; and he was sure that such a proposition would meet with the general assent of the House. He thought that an injustice was done when they superseded the labours which the hon. Member had bestowed upon the question, and when the hon. Member, who had sown the seed was not permitted to reap the harvest. He was glad that the hon. and learned Member had mentioned the subject, and he was glad that this was not to be a mock inquiry, for he could assure Ministers that there was no question upon which the public mind was so seriously bent as upon this.

Mr. *Warburton* could only again express his wish that the hon. Member for Southwark would give his consent to act on the Committee, if chosen, for he was sure that, if he would consent to act, a large majority, if not the unanimous vote, of the House would agree to place his name upon it, and he was convinced that a report wanting the sanction of the name of the hon. and learned Member would not be satisfactory to the public in general.

Mr. *W. S. O'Brien*, not having had an opportunity of voting on the former division, stated his cordial concurrence in the wish of the hon. Member for Bridport.

Captain *Wood*, although he had not voted on the former division, would be most happy now to vote for adding the name of the hon. and learned Member to the Committee; but if the hon. Member took his advice, he would not consent to be placed on so fruitless and unjust an inquiry.

The *Chancellor of the Exchequer* thought that the observation of the hon and gallant Member was singularly misplaced, because the result of the present motion would be, to grant for one quarter the same amount to each individual as had been previously paid; and, in the second place, the observation was most singularly misapplied, when, although the lips of the Committee were sealed, there had been that night several indications of the opinions of individual Members which, so far from being adverse to the pensions generally, were strongly in favour of the claims of justice.

Mr. *Wakley* differed entirely from the hon. Member for Middlesex as to the injustice of this inquiry, for he believed that a more strictly just inquiry had never been instituted by the House, and he hoped that the report would give satisfaction, not only to the House, but to the public. At the same time he feared that the vote which was asked of them that evening was only an unfavourable omen of the probable result of the ultimate proceeding: he feared that it would be protracted and useless. He cautioned the hon. and learned Member for Southwark against being led away by the dulcet tones which he heard on all sides. He found that there had been already four months' sittings, four months' labour, and four months' investigations of the Committee, and that the public had not been saved one farthing. What then was the object in wishing to place the hon. and learned Member in this Committee? It would remove him from the vantage ground which he then occupied as the censor of conduct of the Committee, and the critic on their proceedings; it would gag his mouth, and prevent his passing that censure which it was most likely their conduct would merit. He entreated the hon. and learned Gentleman not to give way to soft flattery, but to maintain the present position, and not on any account to become a Member of the Committee.

Mr. *Maclean* was not astonished at the expression of the hon. Member for Middlesex. Hon. Members on the opposition side of the House had always thought that the inquiry was not proper, and that it would be fruitless, and their opinion had been strikingly borne out by the four months which had passed without any useful result.

Mr. *Hume* said, that it must not go forth that four months had passed, and that nothing had been done. This was not the fact; many Members of the Committee had individually made up their minds, though not as a body, and it would only take two days more to finish the first inquiry.

Mr. *Goulburn* was satisfied with the vote which the chairman held in his hands, and he was so without any alteration of the opinion which he had formerly expressed: to that opinion he still adhered; but when the labours of the Committee had terminated, it would be the proper time to discuss its conduct. The discussion that evening seemed to be entirely confined to complimenting the Chancellor of the Exchequer, by Gentlemen who, sitting three days a week with him, were well able to judge of his good qualities; and another part had been devoted to complimenting the hon. and learned Member for Southwark. Whether the right hon. Gentleman, or the hon. and learned Member would accept the compliment, it it was not for him to determine; but of course the hon. and learned Member must be extremely flattered with the universal regret at his absence from a Committee which seemed to be conducted with so much harmony and self-satisfaction, especially when he recollected the part taken by the right hon. Gentleman on a former evening as to his appointment.

Vote agreed to; the House resumed.

POOR RELIEF (IRELAND).] The order of the day for the further consideration of the report on the Poor Relief (Ireland) Bill having been then read,

Mr. *Poulett Scrope* rose to move the introduction of a clause enabling boards of guardians to give relief to able-bodied paupers, by employing them on public works. He had refrained from interfering at an earlier period to move the introduction of the clause which he now proposed, from a wish to see the Poor-law adopted, for he was of opinion that any Poor-law for Ireland, in whatever shape it might be, would be most beneficial for that country. With regard to the measure now before the House, he was of opinion that it contained the three elements necessary to secure its provisions being properly carried out, and he thought that, the principle of the Bill once adopted, its details would soon be agreed upon. The three elements secured by this Bill were, the establishment of a central board of control; of efficient local machinery in the boards of guardians; and the building of workhouses; without which no Poor-law could work well without abuse. He did not conceive that relief should be confined to that which was given in the workhouses, and if he thought so in reference to England, he was still more so with regard to Ireland, where the mass of destitution was so much greater than in this country. The main difficulty in the present Bill was, that no out-door relief was given, and especially to the able-bodied poor, and the workhouse relief was totally and lamentably insufficient. Mr. Nicholls, in his calculations upon this subject, had, in his opinion, improperly taken the English system as the basis on which he founded his speculations, and it was ascertained, that during the two years for which the law had been in operation, in the 210 unions which had been formed, no less than one-twelfth part of the population of the country, calculated upon the census of 1831, had received relief either in or out of the workhouses. The calculation, however, upon the census of 1831, was inapplicable to the present period, and therefore the probability was, that in reality one-tenth part of the population had been relieved. Now, taking this as the groundwork, he found that the workhouses proposed to be built in Ireland would contain about 80,000 persons, a number infinitely smaller than they would be required to accommodate, when the enormous amount of destitution in the country was considered, and, in fact, it would most probably be found that one million or more would be the real number whose situations would call for relief. Now, no workhouses could be constructed which could contain so many, and therefore his proposition was, thatt he surplus paupers should be relieved by means of work being provided for them in the public establishments or manufactories. The framers of the Bill had admitted, that there would be a surplus population unprovided for, when they introduced the clause enabling the boards of guardians to find funds to promote emigration; but he was of opinion, that however desirable that mode of disposing of them might be, the plan which he suggested was infinitely preferable. His clause, it must be observed, only introduced the principle of the English Poor-law, for it was in evidence before the Committee, that in the manufacturing districts it was sanctioned by the Commissioners, when the workhouses were full or pressed upon, that the paupers should be relieved by their being employed in public works and in manufactories. The case of Ireland, then, was precisely similar, and abundance of hands would be found to carry his proposition into effect. It was not proposed to give the board of guardians unrestrained powers, but they were to exercise the authority proposed under every possible check, by which means the possibility of a job would be prevented. The hon. Member concluded by moving the following clause:—

"And whereas several works of public utility are being now, or may hereafter be, carried on in Ireland, by, or under the direction of, the board of public works, or of the county or baronial surveyors, and by means, or with the aid of, funds raised by general or local taxation, and that such works may afford the means of employing some of the able-bodied destitute poor of Ireland; be it enacted, that the guardians of any union shall be and are empowered (subject always to the control and directions therein of the Commissioners) to make such arrangements as they may think fitting with the board of works, or with any surveyor, engineer, or contractor, engaged in the execution of any public work, for the employment upon such work of any of the able-bodied destitute poor who shall apply to the said board for relief, and to pay such sums as may be necessary for defraying the cost thereof out of the rate raised by them for the relief of the poor in their union, anything to the contrary in this Act contained notwithstanding. Provided always, that every such arrangement be sanctioned by the board of guardians at two successive meetings, and that a written notice be sent by the clerk of the union to each guardian of the union of such intended proposal, at least six days before the last meeting at which such arrangement is finally to be determined."

Mr. *W. S. O'Brien* had much pleasure in supporting the proposition, because it was similar to one which he had himself before introduced, and he was of opinion that it was highly necessary to secure the successful working of the Bill.

Clause read a first time.

On the question that it be read a second time,

Lord *John Russell* said, that he should object to the clause on the grounds which he had before stated when a similar provision was proposed. He considered, that the clause, if agreed to, would carry into effect the principle of out-door relief by the guardians, and he was of opinion that it would be far safer that this Bill should not sanction that principle. The system in England could not be properly carried into effect without great difficulty, and in Ireland its operation would produce still greater abuses. The reasons for which he was of opinion, that the clause should be opposed had already been exceedingly well stated to the House by an hon. Member when a similar proposition was formerly made; but he thought that the strongest ground was, that those should pay the wages of the poor by whom the fruits of their labours were enjoyed, and it would be found that this principle would speedily be acted upon, for when a man found that he was paying for the support of an able-bodied labourer in the workhouse, he would rather employ him and obtain the benefit of his services. But if the board of guardians were to have the power of employing labourers, although in this country particular circumstances rendered such a course necessary, a most dangerous principle would be introduced into a new law, the omission of which would be much safer.

Clause negatived.

Mr. *Redington* then proposed the following in lieu of clause 15, contending that it was most important that the measure should be introduced throughout the country at the same time:—

"And be it enacted, that it shall be lawful for the Commissioners, and they are hereby required, at one and the same time, by order under their seal, to divide the whole of Ireland into such and so many unions for the relief of the poor as they may think fit, to be styled by such names as they shall in such order direct."

Clause negatived.

Mr. *Redington* then proposed the following clause:—

"And be it enacted, that every person begging or gathering alms, or placing himself for the purpose of receiving or gathering alms, or setting any child so to do, within any union in which the Commissioners shall have declared a workhouse to be fit for the reception of destitute poor, shall, on conviction thereof before any justice of the peace at petty sessions in open court, either by confession of such offender, or by the evidence on oath of one or more credible witnesses, be committed to the common gaol or house of correction, there to be kept to hard labour for any time not exceeding one fortnight for the first offence, and not exceeding one calendar month for the second offence: Provided always, that no person shall be liable to be so convicted who shall have applied to be admitted to the workhouse of such union, and been refused admittance thereto by the guardians or other officers of such union workhouse, by reason of their inability to accommodate such person or child; and provided also, that no person shall be so committed to such gaol or house of correction (if it be the first offence), who, not having applied for admission to the workhouse previous to his conviction, shall then express his readiness to enter such workhouse; and no such conviction shall under any circumstances take place unless such workhouse shall at the time be capable of receiving such person."

Clause negatived.

Sir *Robert Bateson* proposed the following clause:—

"That the majority of the guardians and rate-payers in each parish shall have a power to levy a rate, not to exceed one shilling in the pound on the government survey and valuation, for the support of the aged, the infirm, the lame, the blind, the widow, the orphan, and the really destitute poor, who have been resident in such parish for three years; and that when such voluntary assessment is made, that the Poor-law Commissioners shall have no power over such parish or union of parishes."

Clause negatived.

The Bill to be engrossed.

HOUSE OF LORDS,

Tuesday, April 10, 1838.

Minutes.] Bills. Read a first time:—Ecclesiastical Patronage Act Amendment; Holding of Petty Sessions.—Read a second time:—Haileybury College.

Petitions presented. By the Duke of Richmond, from Merchants of the metropolis trading with the New Zealand Islands, for efficient steps for the protection of their property and commerce; and from the Protestant and Roman Catholic inhabitants of a parish in the county of Cork, for a final and amicable settlement of the Tithe question.—By the Marquess of Sligo, the Duke of Sutherland, the Earl of Durham, the Duke of Richmond, the Earl of Shaftesbury, and the Earl of Shrewsbury, from a great number of places, for the Immediate Abolition of Negro Apprenticeship.—By the Earl of Aberdeen, from a place in Scotland, for Church Endowment.—By Lord Glenelg, from Lower Canada, for an union of the two provinces of Upper and Lower Canada.

Roman Catholic Prelates.] Viscount *Lorton* presented a petition from the Protestant inhabitants of the parish of Dare, in the county of Cavan, for the restoration of the ten Irish bishoprics which were suppressed by the Irish Church Temporalities Bill. The noble Viscount said, he should take that opportunity to put a question to the noble Lord at the head of her Majesty's Government, and to enable him to do so he should first read a clause contained in the Roman Catholic Relief Bill. His question had reference to certain letters which had recently been addressed to Lord John Russell by a Roman Catholic prelate. He did not mean to say anything as to the spirit or tendency of those letters, which were signed "John Tuam." Now, the 24th section of the Roman Catholic Relief Act ran thus:—

"And whereas the Protestant episcopal church of England and Ireland, and the doctrine, discipline, and government thereof, and likewise the Protestant Presbyterian Church of Scotland, and the doctrine, discipline, and government thereof, are by the respective acts of union of England and Scotland, and of Great Britain and Ireland, established permanently and inviolably; and whereas the right and title of archbishops to their respective provinces, of bishops to their sees, and of deans to their deaneries, as well in England as in Ireland, have been settled and established by law; be it therefore enacted, that from and after the commencement of this act it shall not be lawful for any person, other than the person thereunto authorised by law, to assume or use the name, style, or title of archbishop of any province, bishop of any bishopric, or dean of any deanery, in England or Ireland; and every person so offending shall for every such offence forfeit and pay the sum of 100*l.*"

Now, the question which he had to ask,

and he trusted that a satisfactory answer would be given, was, whether steps had been taken by the Government to enforce this penalty, in consequence of a Roman Catholic prelate having assumed the title of archbishop and affixed the signature of "John Tuam" to certain inflammatory letters addressed to one of her Majesty's Secretaries of State?

Viscount *Melbourne* said, it was a matter, in the first instance, to be inquired into by the Irish government. He did not know whether any steps had been taken with reference to it, but he should inform himself on the subject.

Subject dropped.

HOUSE OF LORDS,

Wednesday, April 11, 1838.

MINUTES.] Bills. Received the Royal Assent:—Slavery Abolition Act Amendment; Mutiny; Marine Mutiny; Annual Indemnity; First Fruits and Tenths.

Petitions presented. By Lord KING, from Chorley, and another place, for the immediate abolition of Negro Slavery.

THE CORONATION.] The Marquess of *Londonderry* was sorry that the noble Viscount at the head of her Majesty's Government was not present, as he wished to elicit information on a subject of considerable importance. It was with great regret he perceived, from the proclamation which had appeared in the *Gazette*, that it was in the contemplation of her Majesty's Ministers to follow, in the ensuing Coronation, the precedent which had been set at the coronation of his late Majesty. He wished, therefore, distinctly to know, whether it was the intention of her Majesty's Ministers to pursue the same line as to the forms to be observed on this occasion which had been adopted at the last coronation, or whether those ceremonies would be observed which were formerly considered indispensable? In the present instance, he confessed he was of opinion, when a young and illustrious personage was coming to the throne — when it was unlikely that another coronation would take place for many years—when, most probably, few of their Lordships would witness another, that the ceremony should be marked by royal splendor and magnificence. In his view of the subject royalty ought not to be shorn of its beams on this occasion. Any diminution of proper splendor would not be consisten with the dignity of this great and loyal country. He would say more, that such a species of economy as would effect a small saving by omitting a considerable part of the ceremony, would be in every respect objectionable. When a gorgeous embassy was sent to a foreign nation, when the representative of majesty was present at the coronation of a foreign potentate, he could see no reason why there should be any diminution of splendor on this occasion. They were, on the contrary, bound in duty to see that the august ceremony of the coronation in this country was celebrated with due magnificence, and that the whole of the customary forms were preserved. Such being his opinion, he should think it his duty on a future day to submit a motion to their Lordships on the subject. If ever there was a moment when all parties with one accord joyfully hailed the commencement of an auspicious reign—if ever there was a moment when all parties were anxious to see the coronation celebrated in the most splendid manner that this country was capable of affording—it was the present moment. And more especially when they looked around them, and saw the desire of change and innovation which was daily gaining ground, they ought at such a period to testify their veneration for those ancient marks of outward respect which were connected with the august ceremony of the coronation. He felt very strongly on the subject, and his determination was, on a very early day after the recess, to offer to their Lordships some motion on the subject.

The Marquess of *Lansdowne* regretted that his noble Friend was not present to hear the observations of the noble Earl. His noble Friend was not aware that any business would be brought forward; and, after waiting a quarter of an hour, he had gone away, having a pressing engagement elsewhere. As to the matter to which the noble Marquess had alluded, it was not necessary that he should reply to the observations of the noble Marquess, as it was the intention of the noble Marquess to bring the question forward after the recess. With respect to the arrangement, it had certainly been notified in the *Gazette*, that the precedent of the last reign, by which the banquet in Westminster-hall was dispensed with, would be followed. But still the matter was open for consideration.

The House adjourned to April 27th for the Easter holidays.

HOUSE OF COMMONS,

Thursday, April 11, 1838.

MINUTES.] Petitions presented. By Alderman WOOD, from the Printers of London, by Mr. DENNISTOUN, from those of Glasgow, by Mr. WAKLEY, from the Compositors of the *Morning Advertiser*, from the Printers in the employment of Messrs. Spottiswoode, Nicholls, M'Dowell, and White, and from the Stereotypers of London, by Lord DALMENY, from the Printers of Stirling, by Mr. EASTHOPE, from the Printers of Leicester, by Mr. D. W. HARVEY, from those of Southwark, and by Mr. P. THOMSON, from the Compositors of London and Manchester, against the Copyright Bill.—By Mr. HUME, from Shields, and by Mr. F. DUNDAS, from Stromness and Orkney, against any further Endowment to the Church of Scotland.—By Mr. WAKLEY, from 4,000 members of the Working Men's Association at Bristol, for a further extension of the elective Suffrage; from 1,160 inhabitants of Stockport, and from the Bricklayers of London and Manchester, and from other places, for an inquiry into the delay in sending back the Dorchester Labourers to England.—By Sir G. GREY, from Montreal, and from Quebec, for the junction of the two provinces of Canada under one form of Government.—By Sir G. STRICKLAND, and Lord MORPETH, from the West Riding of Yorkshire, for the Immediate Abolition of the Apprenticeship system in the West Indies.—By Mr. P. THOMSON, from Manchester, to permit an Inland Bonding system.—By Mr. WILLIAM ROCHE, from parishes in Cork and Limerick, for an immediate settlement of the Tithe question.—By Mr. BLACKSTONE, from Wallingford, against the system of National Education in Ireland.—By Mr. CHALMERS, from Montrose, for the Abolition of Negro Apprenticeship; and from several Secession and Relief Congregations, against any further Endowment of the Church of Scotland.—By Mr. F. DUNDAS, from places in Yorkshire, against the Negro Apprenticeship system.—By Mr. BARNARD, from Deptford, complaining of the great expense of the Poor-law Union.

DUTIES ON SILKS.] Sir *F. Trench* said, he had a question to ask connected with the deplorable state of the Spitalfields manufacturers, 50,000 of whom were in a state of the deepest distress, and enduring sufferings of the most extraordinary description. He had seen a newspaper of that morning, containing a report of the debates in the French Chamber of Deputies, in which it was stated by M. Martin that the Agricultural Committee had expressed an opinion that it would be necessary to augment the duty upon linen. Now, if the French Government protected their hand-loom weavers, he thought the British Government ought to do the same. The question he wished to put was, whether it was the intention of Government to do anything towards protecting our own manufacturers, and towards mitigating the sufferings of that unfortunate class of the community?

Mr. *Poulett Thomson* wished the hon. Gentleman had specified more clearly what his question was: but it appeared to him that the meaning of the question was, whether it was the intention of the Government to alter the duty upon silk goods? In answer to that question, he would say at once, that it was not the intention of the Government to do anything whatever that should increase the duty upon silk goods, or to alter the present state of the law, unless they were compelled to do so by political motives, or by the conduct of France with respect to the goods imported into that country. He would only add, that if the hon. Gentleman was of opinion that the alteration in the duties which had taken place, and the change of system on the subject of the silk manufactures had proved injurious to the trade of this country, he would recommend the hon. Gentleman to bring forward a motion on the subject, and he (Mr. P. Thomson) would pledge himself to prove, that, so far from having been injurious, it had been highly beneficial to the silk trade of this country.

SUPPLY—REPORT.] The Report of the Committee of Supply was brought up.

Mr. *Hume* said, that having seen in the public papers a declaration of Mr. Hyam that the revenue was 665,000*l.* less than the actual expenditure, he thought it time that the House should come to some resolution respecting pensions, so as to postpone the paying of them, until they knew how they were to be provided for. He wished to know in what way, if they voted this 33,000*l.* for the payment of pensions, that payment was to be provided for?

The *Chancellor of the Exchequer* said, he was sorry that the hon. Gentleman had asked a question which it would be difficult to answer satisfactorily, without going into more detail than the mere circumstance of the present vote enabled him to do; but, at the same time, if the question remained unanswered, or any doubt was thrown on the subject, he felt that a very great mistake might arise in the public mind. It was perfectly true, as the hon. Member had stated, and indeed it was nothing but repeating what he had stated on a recent occasion, namely, that it was impossible for a great commercial crisis like that through which this country had passed to occur without affecting the public revenue. If, on that account, there was felt any, even the slightest, mistrust of the national resources of the country—if it were felt, that that cause to which he had adverted had created anything like distrust respecting the resources of England, he should think that such a mistake produced in the public mind would be as great as it was mischievous. Any Gentleman conversant with the state of England in the course of the last six or eight, and he might say, twelve months, he must feel at once gratification and pride in thinking that they had weathered the enormous difficulties that pressed upon this country by these events, without much more of suffering, and without much more of loss, than that entailed on this country and upon individuals. In the course of the last year Gentlemen were aware that we had to encounter commercial circumstances which were almost unexampled in the commercial history of England. The resources of her mercantile bodies, and of the public generally, had enabled the country to go through that very severe trial. But it was not simply to this that the result was to be referred, for he must say, and he said it the more freely, because it referred to the transactions of another country, that the efforts of the American people in the discharge of their commercial engagements had been such as to reflect the highest credit upon them. Under these circumstances the pressure, though it had produced very great loss to the country, and much of calamity to individuals, and had kept back the progress of our manufacturing industry, and though it had acted upon our foreign power, and through it upon our commerce, it had yet produced much less of mischief than might have been expected. The result, undoubtedly, according to the existing state of the revenue, as he should have occasion to state more fully hereafter upon a review of the transactions of the last year, was anything but satisfactory; but it was going too far to consider that because it was not satisfactory, and because there was a deficiency of two millions, that therefore any, even the slightest degree of distrust was to be cast upon the means which this country possessed to discharge its obligations. The hon. Gentleman had stated that, comparing the revenue of one year with the other, there was a deficiency of over two millions. This was perfectly true; but the hon. Member knew full well that he was comparing two things between which there was no fair measure. The hon. Member knew that they had anticipated revenue in the course of that year, in the tea duty alone, which made a difference on the year of between 1,200,000*l.* and 1,500,000*l.* When the hon. Member saw this large deduction, he ought, in order to balance the account justly, to make a corresponding reduction from the revenue of the first year, as otherwise they could not be justly compared. But even, after making this deduction, there would be a falling-off in the revenue, which would impose upon him the responsibility of explaining the causes thereof to the House upon a future occasion; but he would say, that he did not think there was anything in this to discourage either the House or the public with respect to the general revenue of the country; much less did he think that it imposed any difficulty in the way of providing for the pensions, which was the object of the particular question before the House. He regretted that it was not possible for him to lay before the House that evening, but immediately after the adjournment of the House he should be able to lay upon the table of the House, not the mere account which the hon. Member for Kilkenny had referred to, but a statement of a balance sheet up to April the 4th, which would show the difference between the income and the expenditure of the country. This would put the House in full possession of the whole of the facts, and would, he hoped, give the fullest satisfaction on the subject. He would very much urge upon hon. Members, if they wished to put questions of this kind, not to put them in a manner which would lead to inferences that would excite a great deal of alarm out of doors, and create despondency where there was no real ground for it. When the balance-sheet was in the hands of hon. Members, they would be better able to understand the subject, and he would be better qualified to give them information than he was at the present moment.

Mr. *Hume* had no wish to enter into the general state of the revenue; all he wished to know was, how, when there was a deficiency of 665,000*l.*, they were to provide for the payment of pensions to the amount of 33,000*l.*? Did the right hon. Gentleman mean to borrow money, or in what way was this money to be obtained, when it was evident there was no money in the Treasury?

The *Chancellor of the Exchequer* said,

that the hon. Member had confounded two things. He begged to remind the House that the declaration with respect to the revenue at a particular time could not refer to the state of the revenue now. He did not mean to state that the revenue was in a better condition; but the declaration of Mr. Hyam referred to an antecedent state of the revenue, namely, the account for the last quarter. That declaration, therefore, referred to the income and expenditure of a by-gone time. In reply to the question of the hon. Member, he begged to say, that he intended to provide for the payment of this vote by the issue of deficiency bills, payable with interest. The very case that had arisen was provided for in that respect by the law of the land as it stood. But there was great difficulty in answering such questions without going into details, and he would only say, that there was nothing in the slightest degree to create any permanent alarm or apprehension in the mind of any Gentleman whatever; and he only regretted, that questions were put in a manner which, if left unexplained and unanswered, might create alarm.

Mr. *Hume* said, that if the right hon. Gentleman had spoken out at first he should have understood him. He now understood that the right hon. Gentleman would borrow from the Bank the amount of the deficiency.

Colonel *Sibthorp* said, it was very natural that hon. Members should wish to know how the sums required for present expenditure were to be paid in the present state of the revenue. With respect to the question of the hon. Member for Kilkenny, he thought the House ought not to adjourn till they had received a more satisfactory account, in detail, from the Chancellor of the Exchequer. The right hon. Gentleman did not like to go into these details; he believed not, and he believed also, that if they had a statement of the real facts of the revenue, it would be found to be in a worse condition than at almost any former period. He thought it was the duty of the right hon. Gentleman to state what were the sources from which he intended to pay this sum of 33,000*l.*

Mr. *Hume* said, he would not now make any objection to the vote, although he thought it was inconsistent with the interests of the public to vote so large a sum for such a purpose, when there was a deficiency in the revenue of no less than 600,000*l.*, and they knew the money was to be borrowed. That was a bad way of managing the finances of the country. He trusted that when the House met after the recess, the Chancellor of the Exchequer would be in a situation to free himself from the necessity of borrowing from the Bank. In his opinion it was a bad system, as it enabled Ministers to borrow from the Bank without the knowledge of that House, which ought never to be the case. Before he sat down, he wished to ask another question. When the hon. Member for Greenock brought forward charges againt the Post-office at Glasgow, he stated that a practice existed there of opening letters and extracting money. A statement was made that no such practice existed. Within the last month discoveries had taken place of great abuses in the Post-office department at Glasgow. He wished to ask whether the right hon. Gentleman had directed the department acting under him to institute an inquiry into that proceeding, and that it might be public, because on a former occasion, when abuses had been proved to exist, an inquiry was instituted and kept secret for four or five years, and the public knew nothing of it.

The *Chancellor of the Exchequer* said, he had not received any report of the particular transaction to which the hon. Gentleman referred. In consequence, however, of the conversation that occurred in that House, he had given directions to carry into effect two of the recommendations that had been made. One was the registration of letters, which was a matter of very considerable importance, as the party, by registering the letter, could make the Post-office responsible for its safe delivery. He had also established, as part of the Post-office, a money-order officer, thus enabling the poorer classes to ensure the safe delivery of the smallest sum to the party entitled to receive it. These two recommendations had been already adopted. With respect to the transactions at Glasgow, an immediate inquiry should be instituted.

Report agreed to.

HOUSE OF COMMONS,

Wednesday, April 25, 1838.

MINUTES.] Petitions presented. By Sir G. STAUNTON, from Wesleyans of Portsea, by Mr. JAMES, from certain parishes in Cumberland, by Mr. ELLIOT, from places in Roxburghshire, and by Mr. WYNN, from Denbigh, for the immediate termination of Negro Slavery.—By Lord ALFORD, from a parish in Hertfordshire, for a reduction of the rates of postage.—By Mr. HUME, from Kilkenny, against the Irish Salmon Fishery Bill; and from Mr. GLENNY, against the monopoly of the Queen's printer in Scotland.—By Mr. HASTIE, from the letter-press printers of Paisley, by Mr. DENNISTOUN, from nine different places in Scotland, by Mr. F. KELLY, from the compositors of Ipswich, by Mr. STRUTT, from the compositors of Derby, by Mr. CHALMERS, from the booksellers of Dundee, by Mr. WAKLEY, from the members and council of the British Medical Association, and from the members of several printing establishments in London, Bolton, Preston, Bristol, Halifax, &c., by Mr. HUME, from twelve places, of which he only enumerated York and Bristol, by Mr. GROTE, from several printing-houses in London, by the ATTORNEY-GENERAL, from the booksellers and publishers and from the letter-press printers of Edinburgh and Cambridge, by Sir W. FOLLET, from Dublin, from the booksellers and publishers of Exeter, and from booksellers and publishers of London and Westminster, and by Mr. JERVIS, from master printers of London and from Chester, against the Copyright Bill. —By Mr. GROTE, from James and William Bentley, of the city of Toronto, in Upper Canada, complaining of divers grievances.—By Sir E. HAYES, from a place in Ireland, against the Irish Poor-law Bill.—By Lord DALMENY, from Stirling, against any further endowment to the Church of Scotland.

GREAT YARMOUTH ELECTION.] Mr. *Williams Wynn* said, a petition had been put into his hands to present to the House upon a subject of very great importance, and to which he begged the attention of the House, as the subject required an immediate answer. The petition was from Mr. Thomas Baker, the agent for the petition against the return for Great Yarmouth, and the statement of the petitioner was as follows:—That on the 17th of the present month (April) he went to the office of Mr. Barth, the mayor, and the returning officer, for the purpose of serving him with the order for the production of all the books connected with the late election. On inquiry at that office he was told that Mr. Barth had left Yarmouth that morning at six o'clock, and would not be back before the following day. On the following day he again called at the office, and was informed that Mr. Barth had not yet returned, and that it was supposed he was gone to London. The petitioner then went to the dwelling-house of Mr. Barth, where he saw Mrs. Barth, whom he informed that his object was to deliver an order for the production of the books relating to the late election. Mrs. Barth then informed the petitioner that the books in question were not there, and that she did not know where Mr. Barth was, and referred the petitioner to her son, who was a practising attorney. The petitioner then went to Mr. Samuel Jeffery Barth, who said that he could not assist him, that he supposed Mr. Barth was gone to London, that he did not know where he was to be found, but that no doubt Messrs. Churchill and Sim, in 'Change-alley, who were his father's brokers, would know something of him. The petitioner then went to London; he arrived on Thursday at ten o'clock, and called at 5, Old Broad-street, where Messrs. Churchill and Sim's office was, and not in Change-alley, when he was informed by those gentlemen that they had not seen Mr. Barth, nor did they know that he was in town. The petitioner left a copy of the warrant at Messrs. Churchill and Sim's; and then proceeded to several hotels where Mr. Barth was in the habit of staying when in London, but at neither of these places could he obtain any intelligence of him. The petitioner then went on to state, that subsequently, in consequence of information he had received, he went to the shop of a Mr. Parks, and there found that Mr. Barth had been in the habit of calling there frequently for several days past, but that Mr. Parks did not know where he lived. It appeared further, that on the day Mr. Barth came up to London, a letter was posted directed to him to Nottingham, which was obviously done to mislead those who were seeking after him. The petitioner, therefore, submitted the case to the House, in order that the House might deal with it in such a manner as it thought proper. Mr. Barth must be aware that the poll-books would be required by the Committee appointed to try this election, and it could not be doubted that he kept out of the way in order to defeat the case of the petitioners. The petitioner, therefore, prayed the House to give directions on the subject, and in the meantime to postpone the ballot on this petition, which stood for the following day. He did not think that the House could postpone the ballot on the mere statement of this petition; but if the petitioner were examined at the bar on the subject, the House might see grounds to grant such postponement. He should therefore move, that Mr. Thomas Baker be called to the bar.

The *Attorney-General* said, that he should oppose the motion, because, even if all the allegations of the petition were true, it was not a case for the interference of the House. He did not wish that the ends of justice should be defeated; so far from it: and if the party in question had absconded for the purpose of defeating an inquiry before the House in this matter, it was a very grave offence, and he should be exemplarily punished for it. But what was the course by which this should be accomplished? He thought that the first step towards it would be to appoint the Committee, who would then have power to adjourn from time to time, until Mr. Barth had been found and brought before them. In his opinion the right hon. Member's motion would defeat the ends of justice. As yet Mr. Barth had been guilty of no offence for which he could be punished; for who was to know but what he would still obey the order of the Speaker, and appear before the Committee with the books of the election? On the other hand, if the ballot were postponed it would occasion great additional expense and inconvenience to witnesses on both sides, and to the sitting Members, against whom not the slightest charge of collusion with Mr. Barth had been alleged. Moreover there were no precedents for the course proposed by the right hon. Member, and upon all these grounds, therefore, he should oppose it.

Mr. *W. Wynn* said, he could not see how the sitting Members could be prejudiced by the course he had proposed more than by that suggested by the Attorney-General. He should only propose to postpone the ballot for one week, and in the mean while to make an order for the attendance of Mr. Barth, who would be bound to take notice of it, as every body was, of orders of this House published in their votes; and then, if Mr. Barth did not attend to that order, steps might be taken to take him into custody or to offer a reward for his apprehension. With respect to the objection of the Attorney-General that there were no precedents for this proceeding, he believed, that the reason was, that such an occurrence as that which this petition detailed had never taken place before. But there were many occasions upon which the House had postponed the ballots upon election petitions, and upon much more frivolous grounds than the present. Cases had occurred of ballots being postponed because counsel employed upon them were absent on circuit. He should, therefore, persist in his motion.

The House divided:—Ayes 78; Noes 100: Majority 22.

List of the AYES.

A'Court, Captain
Barrington, Viscount
Blair, J.
Blakemore, R.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Buller, Sir J. Y.
Buller, Sir C.
Cartwright, W. R.
Clive, hon. R. H.
Conolly, E.
Courtenay, P.
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
D'Israeli, B.
Dunbar, G.
Estcourt, T.
Follett, Sir W.
Forester, hon. G.
Freshfield, J. W.
Gibson, T.
Gladstone, W. E.
Gordon, hon. Captain
Graham, rt. hn. Sir J.
Grant, hon. Colonel
Hayes, Sir E.
Hillsborough, Earl of
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A'C.
Holmes, W.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Inglis, Sir R. H.
Irving, J.
James, Sir W. E.
Kelly, P.
Knatchbull, hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, hon. W. S.
Liddell, hon. H. T.
Lowther, hon. Colonel
Lowther, J. H.
Lucas, E.
Lygon, hon. Gen.
Mackenzie, T.
Mahon, Viscount
Maidstone, Viscount
Milnes, R. M.
Nicholl, J.
Pakington, J. S.
Peel, rt. hon. Sir R.
Peyton, H.
Praed, W. M.
Pringle, A.
Reid, Sir J. R.
Richards, R.
Rushbrooke, Colonel
Scarlett, hon. J. Y.
Scarlett, hon. R.
Somerset, Lord G.
Steuart, H.
Sugden, rt. hn. Sir E.
Thomas, Colonel H.
Trench, Sir F.
Trevor, hon. G. R.
Verner, Colonel
Walsh, Sir J.
Wood, T.
Wynn, rt. hn. C. W.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Maclean, D.

List of the NOES.

Adam, Sir C.
Bannerman, A.
Barnard, E. G.
Bernal, R.
Blake, W. J.
Blunt, Sir C.
Brotherton, J.
Byng, rt. hn. G. S.
Callaghan, D.
Carnac, Sir J. R.
Cavendish, hon. G. H.
Chalmers, P.
Chester, Henry
Collins, W.
Craig, W. G.
Crawford, W.
Davies, Colonel
Dennistoun, J.
Divett, Edward
Duckworth, S.
Duncan, Viscount
Duncombe, T.
Dundas, C. W. D.
Dundas, Captain D.
Dundas, hon. J. C.
Elliot, hon. J. E.
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, R.
Finch, F.
Gordon, Robert
Grattan, J.
Greenaway, C.
Grote, G.
Hastie, A.
Hawes, B.
Hayter, W. G.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hodges, T. L.
Howard, P. H.
Hume, J.
Hutton, Robert
James, W.
Kinnaird, hon. A. F.
Langdale, hon. C.

Langton, W. G.
Lefevre, C. S.
Long, W.
Lushington, C.
Lynch, A. H.
Macleod, R.
Macnamara, Major
Mactaggart, J.
Molesworth, Sir W.
Maule, W. H.
Morpeth, Viscount
Morris, D.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, M. J.
Ord, W.
Paget, Lord A.
Paget, F.
Parker, J.
Philips, G. R.
Pryme, G.
Redington, Thomas N.
Rice, right hon. T. S.
Roche, Edmund B.
Roche, William
Rumbold, C. E.
Russell, Lord J.
Sanford, E. A.
Seymour, Lord
Slaney, R. A.
Spencer, hon. F.
Stanley, E. J.
Strickland, Sir George
Strutt, E.
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornley, T.
Townley, R. G.
Troubridge, Sir E. T.
Verney, Sir H.
Vigors, N. A.
Vivian, Major C.
Vivian, rt. hn. Sir R.
Wakley, T.
Warburton, H.
Westenra, hon. H. R.
White, A.
White, S.
Williams, W.
Wilshere, W.
Wood, C.
Yates, J. A.

TELLERS.
Campbell, Sir J.
Rolfe, Sir R. M.

COPYRIGHT.] Mr. Sergeant *Talfourd* rose to move the second reading of the Copyright Bill, and spoke to the following effect:*—Mr. Speaker, when I had the honour last year to move the second reading of a bill essentially similar to the present, I found it unnecessary to trouble the House with a single remark; for scarcely a trace then appeared of the opposition which has since gathered around it. I do not, however, regret, that the measure was not carried through the Legislature by the current of feeling which then prevailed in its favour, but that opportunity has been afforded for the full discussion of the claims on which it is founded, and of the consequences to individuals and to the public, that may be expected from its operation. Believing, as I do, that the interests of those who, by intellectual power, laboriously and virtuously exerted, contribute to the delight and instruction of mankind—of those engaged in the mechanical processes by which those labours are made effectual—and of the people, who at once enjoy and reward them, are essentially one; believing that it is impossible, at the same time, to enhance the reward of authors, and to injure those who derive their means of subsistence from them, and desiring only that this bill shall succeed if it shall be found, on the fullest discussion, that it will serve the cause of intellect in its noblest and most expanded sense, I rejoice that all classes who are interested in reality or in belief in the proposed change, have had the means of presenting their statements and their reasonings to the consideration of Parliament, and of urging them with all the zeal which an apprehension of pecuniary loss can inspire. I do not, indeed, disguise, that the main and direct object of the bill is to insure to authors of the highest and most enduring merit a larger share in the fruits of their own industry and genius than our law now accords to them; and whatever fate may attend the endeavour, I feel with satisfaction that it is the first which has been made substantially for the benefit of authors, and sustained by no interest except that which the appeal on their behalf to the gratitude of those whose minds they have enriched, and whose lives they have gladdened, has enkindled. The statutes of Anne and of George 3rd, especially the last, were measures suggested and sustained by publishers; and it must be consoling to the silent toilers after fame, who in this country, have no ascertained rank, no civil distinction in their hours of weariness and anxiety, to feel that their claim to consideration has been cheerfully recognised by Parliament, and that their cause, however feebly presented, has been regarded with respect and with sympathy.

In order that I may trespass as briefly as I can on the indulgence with which this subject has been treated, I will attempt to narrow the controversy of to-night by stating at once what I regard to be the principle of this bill, and call on hon. Members now to affirm, and what I regard as matters of mere detail, which it is unnecessary at this moment to consider. That principle is, that the present term of copyright is much too short, for the attainment of that justice which society owes to authors, especially to those (few though they be) whose reputation is of slow growth and of enduring character. Whether that term shall be extended from its present length to sixty years, or to some intermediate period—whether it shall commence at the death of the author or at the date of first publication—in what manner it shall be reckoned in the cases of works given to the world in portions—are questions of detail, on which I do not think the House are to-night required to decide. So the prohibition of extracts made merely for the compiler's gain, which, however, is merely declaratory of the present law—of unauthorised abridgments, which is new—and some provisions which were introduced merely from an anxiety to protect subsisting interests, obviously fall into the same class. On the one hand, I do not ask hon. Members to vote for the second reading merely because they think there are some uncertainties in the law of copyright which it is desirable to remove, or some minor defects which they are prepared to remedy. On the other hand, I would entreat them not to reject this bill on account of any objections to its mere details, but as they may think the legalised property of authors sufficiently prolonged and secured, or requiring a substantial extension, to oppose or to support it.

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* From a corrected report published by Moxon.

In maintaining the claim of authors to this extension, I will not intrude on the time of the House with any discussion on the question of law; whether perpetual copyright had existence by our common law; or of the philosophical question whether the claim to this extent is founded in natural justice. On the first point, it is sufficient for me to repeat what cannot be contradicted, that the existence of the legal right was recognised by a large majority of the judges, with Lord Mansfield at their head, after solemn and repeated argument; and that six to five of the judges only determined that the stringent words "and no longer," in the statute of Anne took that right away. And even this I do not call in aid so much by way of legal authority, as evidence of the feeling of those men (mighty though few) to whom our infant literature was confided by Providence, and of those who were in early time able to estimate the labour which we inherit. On the second point I will say nothing; unable, indeed, to understand why that which springs wholly from within, and contracts no other right by its usurpation, is to be regarded as baseless, because, by the condition of its very enjoyment, it not only enlarges the source of happiness to readers, but becomes the means of mechanical employment to printers, and of speculation to publishers. I am content to adopt the intermediate course, and to argue that question, whether a fair medium between two extremes has been chosen. What is to be said in favour of the line now drawn, except that it exists and bears an antiquity commencing in 1814? Is there any magic in the term of twenty-eight years? Is there any conceivable principle of justice which bounds the right, if the author survives that term, by the limit of his natural life? As far as expediency shall prevail—as far as the welfare of those for whom it is the duty and the wish of the dying author to provide, may be regarded by Parliament; the period of his death is precisely that when they will most need the worldly comforts which the property in his work would confer. And, as far as analogy may govern, the very attribute which induces us to regard with pride the works of intellect, is, that they survive the mortal course of those who framed them—that they are akin to what is deathless. Why should that quality render them worthless to those in whose affectionate remembrance their author still lives, while they attest a nobler immortality? Indeed, among the opponents of this measure, it is ground of cavil that it is proposed to take the death of the author as a starting point for the period which it adds to the present term. It is urged as absurd that even the extent of this distant period should be affected by the accident of death; and yet, those who thus argue, are content to support the system which makes that accident the final boundary at which the living efficacy of authorship, for the advantage of its professors, ceases.

I perfectly agree with the publishers in the evidence given in 1818, and the statements which have been repeated more recently—that the extension of time will be a benefit only in one case in five hundred of works now issuing from the press; and I agree with them that we are legislating for that five hundredth case. Why not? It is the great prize which, out of the five hundred risks, genius and goodness win. It is the benefit that can only be achieved by that which has stood the test of time—of that which is essentially true and pure—of that which has survived spleen, criticism, envy, and the changing fashions of the world. Granted that only one author in five hundred attain this end; does it not invite many to attempt it, and impress on literature itself a visible mark of permanence and of dignity? The writers who attain it will necessarily belong to two classes—one class consisting of authors who have laboured to create the taste which should appreciate and reward them, and only attain that reputation which brings with it a pecuniary recompense just as the term for which that reward is held out to them wanes. It is unjust in this case, which is that of Wordsworth now in the evening of life, and in the dawn of his fame, to allow the author to share in the remuneration society tardily awards him? The other class are those who, like Sir Walter Scott, have combined the art of ministering to immediate delight, with that of outlasting successive races of imitators and apparent rivals; who do receive a large actual amount of recompense, but whose accumulating compensation is stopped when it most should increase. Now, surely as to them, the question is not what remuneration is sufficient in the judgment of the Legislature to repay for certain benefactions to society, but whether, having won the splendid reward, our laws shall permit the winner to enjoy it? We cannot decide the abstract question between genius and money, because there exist no common properties by which they can be tested, if we were dispensing an arbitrary reward; but the question how much the author ought to receive is easily answered—so much as his readers are delighted to pay him. When we say, that he has obtained immense wealth by his writings, what do we assert, but that he has multiplied the sources of enjoyment to countless readers, and lightened thousands of else sad, or weary, or dissolute hours? The two propositions are identical; the proof of the one at once establishing the other. Why, then, should we grudge it, any more than we would reckon against the soldier, not the pension or the grant, but the very prize-money which attests the splendor of his victories, and in the amount of his gains proves the extent of ours? Complaints have been made by one in the foremost rank in the opposition to this Bill, the pioneer of the noble army of publishers, booksellers, printers, and bookbinders, who are arrayed against it—that in selecting the case of Sir Walter Scott, as an instance in which the extension of copyright would be just, I had been singularly unfortunate, because that great writer received, during the period of subsisting copyright, an unprecedented revenue from the immediate sale of his works. But, Sir, the question is not one of reward—it is one of justice. How would this gentleman approve of the application of a similar rule to his own honest gains? From small beginnings, this very publisher has, in the fair and honourable course of trade, I doubt not, acquired a splendid fortune, amassed by the sale of works, the property of the public—of works, whose authors have gone to their repose, from the fevers, the disappointments, and the jealousies which await a life of literary toil. Who grudges it to him? Who doubts his title to retain it? And yet this gentleman's fortune is all, every farthing of it, so much taken from the public, in the sense of the publisher's argument; it is all profits on books bought by that public, the accumulation of pence, which, if he had sold his books without profit, would have remained in the pockets of the buyers. On what principle is Mr. Tegg to retain what is denied to Sir Walter? Is it the claim of superior merit? Is it greater toil? Is it larger public service? His course, I doubt not, has been that of an honest, laborious tradesman; but what have been its anxieties, compared to the stupendous labour, the sharp agonies of him, whose deadly alliance with those very trades, whose members oppose me now, and whose noble resolution to combine the severest integrity with the loftiest genius, brought him to a premature grave—a grave which, by the operation of the law, extends its chillness even to the result of those labours, and despoils them of the living efficacy to assist those whom he has left to mourn him? Let any man contemplate that heroic struggle, of which the affecting record has just been completed; and turn from the sad spectacle of one who had once rejoiced in the rapid creation of a thousand characters glowing from his brain, and stamped with individuality for ever, straining the fibres of the mind, till the exercise which was delight became torture—girding himself to the mighty task of achieving his deliverance from the load which pressed upon him, and with brave endeavour, but relaxing strength, returning to the toil, till his faculties give way, the pen falls from his hand on the unmarked paper, and the silent tears of half-conscious imbecility fall upon it—and to some prosperous bookseller in his country house, calculating the approach of the time (too swiftly accelerated) when he should be able to publish for his own gain, those works, fatal to life, and then tell me, if we are to apportion the reward to the effort, where is the justice of the bookseller's claim? Had Sir Walter Scott been able to see, in the distance, an extension of his own right in his own productions, his estate and his heart had been set free, and the publishers and printers, who are our opponents now, would have been grateful to him for a continuation of labour and rewards which would have impelled and augmented their own.

These two classes comprise, of necessity, all the instances in which the proposed change would operate at all; the first, that of those whose copyright only becomes valuable just as it is about to expire; the last, that of those whose works which, at once popular and lasting, have probably, in the season of their first success, enriched the publisher far more than the author. It will not be denied, that it is desirable to extend the benefit to both classes, if it can be done without injury to the public, or to subsisting individual interests. The suggested injury to the public is, that the price of books would be greatly enhanced; and, on this assumption, the printers and bookbinders have been induced to sustain the publishers in resisting a change which is represented as tending to paralyse speculation—to cause fewer books to be written, printed, bound, and bought—to deprive the honest workmen of their subsistence, and the people of the opportunity of enjoying the productions of genius. Even if such consequences were to be dreaded, if justice required the sacrifice, it ought to be made. The community have no right to be enriched at the expense of individuals, nor is the liberty of the press (magic words which I have heard strangely blended in the din of this controversy) the liberty to smuggle, and to steal. Still, if to these respectable petitioners, men often of intelligence and refinement beyond their sphere, which they have acquired from their mechanical association with literature, I could think the measure fraught with such mischiefs, I should regard it with distrust and alarm. But never, surely, were the apprehensions of intelligent men so utterly baseless. In the first place, I believe that the existence of the copyright, even of that five-hundredth case, would not enhance the price of the fortunate work; for the author, or the bookseller, who enjoys the monopoly, as it is called, is enabled to supply the article at a much cheaper rate, when a single press is required to print all the copies offered for sale, instead of the presses and establishments of competing publishers; and I believe a comparison between the editions of standard works, in which there is copyright, with those in which there is none, would confirm the truth of the inference. To cite, as an instance to the contrary, "Clarendon's History of the Rebellion," is to confess that a fair test would disprove the objection; for what analogy is there between the motives and the acts of a great body, having no personal stimulus or interest, except to retain what is an ornament to their own power, and those of a number of individual proprietors; or between a state of things in which the instance stands alone, and one in which all authors would be instigated to publish, and all readers—the class for whom the works would be published, or from whom they would be withheld? But, after all, it is only in this five-hundredth case—the one rare prize in this huge lottery—that even this effect is to be dreaded. Now, this effect is the possible enhancing the price of the five-hundredth or five-thousandth book, and this is actually supposed "to be a heavy blow, and great discouragement to literature," enough to paralyse the energies of publishers, and to make Paternoster-row a desert! Let it only be announced, say our opponents, that an author, whose works may outlast twenty-eight years, shall bequeath to his children the right which he enjoyed, that possibly some sixpence a volume may be added to its price in such an event, and all the machinery of printing and publication will come to a pause! Why, Sir, the same apprehension was entertained in 1813, when the publishers sought to obtain the extension of copyright for their own advantage to twenty-eight years. The printers then dreaded the effect of the prolonged monopoly: they petitioned against the Bill, and they succeeded in delaying it for a Session. And surely they had then far greater plausibility in their terrors; for in proportion as the period at which the contemplated extension begins is distant, its effects must be indistinct and feeble. Fewer books, of course, will survive twenty-eight years than fourteen; the Act of 1814 operated on the greater number if at all; and has experience justified the fears which the publishers then laughed to scorn? Has the number of books diminished since then? Has the price of books been enhanced? Has the demand for the labour of printers or bookbinders slackened since then? Have the profits of the bookseller failed? I need no Committee of Inquiry to answer these questions, and they are really decisive of the issue. We all know that books have multiplied; that the quartos, in which the works of high pretension were first enshrined, has vanished; and, while the prices paid for copyrights have been far higher than in any former time, the proprietors of these copyrights have found it more profitable to publish in a cheap than in a costly form. Will authors, or the children of authors, be more obstinate—less able to appreciate and to meet the demands of the age—more apprehensive of too large a circulation—when both will be impelled by other motives than those of interest, to seek the largest sale; the first, by the impulse of blameless vanity or love of fame; the last, by the affection and the pride with which they must regard the living thoughts of a parent taken from this world, finding their way through every variety of life, and cherished by unnumbered minds, which will bless his memory?

If, Sir, I were called to state in a sentence the most powerful argument against the objection raised to the extension of copyright on the part of the public, I would answer,—"The opposition of the publishers." If they have ground to complain of loss, the public can have none. The objection supposes that the works would be sold at something more than the price of the materials, the workmanship, and a fair profit on the outlay, if the copyright be continued to the author, and, of course, also supposes that works of which the copyrights have expired are sold without profit beyond those charges—that, in fact, the author's superadded gain will be the measure of the public loss. Where, then, does the publisher intervene? Is the truth this—that the usage of the publishing trade at this moment indefinitely prolongs the monopoly by a mutual understanding of its members, and that besides the term of twenty eight years, which the publisher has bought and paid for, he has something more? Is it a conventional copyright that is in danger? Is the real question whether the author shall hereafter have the full term to dispose of, or shall sell a smaller term, and really assign a greater? Now, either the publishers have no interest in the main question, or this is that interest. If this is that interest, how will the public lose by paying their extra sixpence to the author who created the work, instead of the gentleman who prints his name at the foot of the title-page, and who will still take his twenty-five per cent. on the copies he may sell? This argument applies, and, I apprehend, conclusively, to the main question—the justice and expediency of extending the term. I am aware that there is another ground of complaint more plausible, which does not apply to the main question, but to what is called the retrospective clause—a complaint, that in cases where the extended term will revert to the family of the author, instead of excluding, by virtue of an implied compact, all the rest of the world, they, like all the rest of the world, will be excluded; that they had a right to calculate on this liberty in common with others when they made this bargain; and that, therefore, it is a violation of faith to deprive them of their share of the common benefit. That there is any violation of faith I utterly deny—they still have all they have paid for; and when, indeed, they assert (which they do when they argue that the measure will confer no benefit on authors) they would not give an author any more for a copyright of sixty than of twenty-eight years, they themselves refute the charge of breach of faith, by showing that they do not reckon such distant contingencies in the price which they pay. If any inconvenience should arise, I should rejoice to consider how it can be obviated; and with that view I introduced those clauses which have been the subject of much censure, empowering the assignee to dispose of all copies on hand at the close of his term, and allowing the proprietors of stereotype plates still to use them. But supposing some inconvenience to attend this act of justice to authors, which I should greatly regret, still are the publishers entirely without consolation? In the first place, they would, as the bill now stands, gain all the benefit of the extension of future copyrights, hereafter sold absolutely to them by the author, and, according to their own statement, without any advance of price. If this benefit is small—is contingent—is nothing in 500 cases to one, so is the loss in those cases in which the right will result to the author. But it should further be recollected that every year, as copyrights expire, adds to the store from which they may take freely. In the infancy of literature a publisher's stock is scanty unless he pays for original composition; but as one generation after another passes away, histories, novels, poems—all of undying interest and certain sale—fall in; and each generation of booksellers becomes enriched by the spoils of time, to which he has contributed nothing. If, then, in a measure which restores to the author what the bookseller has conventionally received, some inconvenience beyond the just loss of what he was never entitled to obtain be incurred, is not the balance greatly in his favour? And can it be doubted that, in any case where the properties of the publisher and of the author's representatives are imperfect apart, either from additions to the original, or from the succession of several works falling in at different times, their common interest would unite them?

One of the arguments used, whether on behalf of the trade or the public I scarcely know, against the extension of the term, is derived from a supposed analogy between the works of an author and the discoveries of an inventor, whence it is inferred that the term which suffices for the protection of the one is long enough for the recompense of the other. It remains to be proved, that the protection granted to patentees is sufficient; but supposing it to be so, although there are points of similarity between the cases, there are grounds of essential and obvious distinction. In cases of patent, the merits of the invention are palpable, the demand is usually immediate, and the recompense of the inventor, in proportion to the utility of his work, speedy and certain. In cases of patent, the subject is generally one to which many minds are at once applied; the invention is often no more than a step in a series of processes, the first of which being given, the consequence will almost certainly present itself sooner or later to some of these inquirers, and if it were not hit on this year by one, would probably be discovered the next by another; but who will suggest that if Shakspeare had not written "Lear," or Richardson "Clarissa," other poets or novelists would have invented them? In practical science every discovery is a step to something more perfect; and to give to the inventor of each a protracted monopoly would be to shut out all improvement by others. But who can improve the masterpieces of genius? They stand perfect; apart from all things else; self-sustained; the models for imitation; the sources whence rules of art take their origin. And if we apply the analogy of mechanical invention to literature, we shall find that in so far as it extends there is really in the latter no monopoly at all, however brief. For example, historical or critical research bears a close analogy to the process of mechanical discovery, and how does the law of copyright apply to the treasures it may reveal? The fact discovered, the truth ascertained, becomes at once the property of mankind—to accept, to state, to reason on; and all that remains in the author, is the style in which it is expressed. No one ever dreamed that to assume a position which another had discovered; to reject what another had proved to be fallacious; to stand on the table-land of recognised truth, and start from it anew; was an invasion of the author's right. How earnest has been the thought, how severe the intellectual toil, by which the noblest speculations in regard to the human mind and its destiny have been conducted! They are the beatings of the soul against the bars of its clay tenement, which, if ruffled in the collision, attest at once, by their strength and their failure, that it is destined to move in a wider sphere. And yet the products of divine philosophy melt away into the intellectual atmosphere which they enrich, and become the dreams and the assurances of others! So that the law of literary property of necessity accommodates itself to the nature of its subject—when the work is properly a creation, leaving it preserved in its entirety—when it is mere discovery, rendering the essence of truth to mankind, and preserving nothing to its author but the form in which it is enshrined.

It has, Sir, been asserted that authors themselves have little interest in this question, and that they are, in fact, indifferent or hostile to the measure. True it is, that the greatest living writers have not thought it befitting the dignity of their cause to appear as petitioners for it, as a personal boon; but I believe there are few who do not feel the honour of literature embarked in the cause, and earnestly desire its success. Mr. Wordsworth, emerging for a moment from the seclusion he has courted, has publicly declared his conviction of its justice. Mr. Lockhart has stated his apprehension that the complete emancipation of the estate of Sir Walter Scott from its incumbrances depends on the issue; and, although I agree that we ought not to legislate for these cases, I contend that we ought to legislate by the light of their examples. While I admit that I should rejoice if the immediate effect of this measure were to cheer the evening of a great poet's life, to whom I am under intellectual obligation beyond all price, and to enlarge the rewards of other living authors whose fame will endure, I do not ask support to this measure on their behalf; but I present these as the proofs of the subsisting wrong. The instances pass away; successive generations do successive injustice; but the principle is eternal. True it is, that in many instances, if the boon be granted, the errors and frailties which often attend genius may render it vain; true it is, that in multitudes of cases it will not operate, but we shall have given to authors and to readers a great lesson of justice; we shall have shown that where virtue and genius combine we are ready to protect their noble offspring, and that we do not desire a miserable advantage at the cost of the ornaments and benefactors of the world. I call on each party in this House to unite in rendering this tribute to the minds by which even party associations are dignified; on those who anticipate successive changes in society, to acknowledge their debt to those who expand the vista of the future, and people it with goodly visions; on those who fondly linger on the past, and repose on time-hallowed institutions, to consider how much that is ennobling in their creed has been drawn from minds which have clothed the usages and forms of other days with the symbols of venerableness and beauty; on all, if they cannot find some common ground on which they may unite in drawing assurance of progressive good for the future from the glories of the past, to recognise their obligation to those, the products of whose intellect shall grace, and soften, and dignify the struggle. With those feelings, I move that this bill be now read a second time.

Mr. *Hume* observed, that in his opinion the simple question for the House to consider was, whether a copyright of twenty-eight years' duration was a sufficient privilege to induce an author to devote his talents to the instruction or amusement of the public. No man could be more willing than he was that an author of ability should derive all the advantage from the exercise of that ability which he ought to derive. Every man of talent ought to derive that advantage; the inventor of a mechanical machine, as well as the author of a poem or a history. All deserved to be equally protected. If, therefore, the present proposition were to be agreed to, the House would be called upon to consider what additional privileges ought to be conferred on those whose talents were exercised in a different direction. Men who devoted their talents to the improvement of the steam-engine, or to other similar objects, ought to be put on the same footing as those whose interests it was the object of the Bill under the consideration of the House, to protect. Now, it would certainly be highly injurious to the public if that were done. The question, therefore, arose with double force, whether the privilege at present enjoyed by authors was not sufficient to induce them to employ their talents. He did not think that the hon. and learned Member had succeeded in establishing the position that it was not sufficient; and on that ground, principally, he (Mr. Hume) was opposed to the Bill. If the principles contained in the petition which he had that night presented against the Bill, were correct, it would be for the House to consider whether the present limitation of copyright to twenty-eight years was insufficient; and whether it would be wise or expedient to extend the duration of the copyright to fifty years, or more. He differed entirely from the hon. and learned Gentleman on that point, and was not prepared to extend the privilege of copyright beyond the existing period of twenty-eight years; and especially because, he repeated, that if that extension of protection were granted to bookmakers, it must be granted to other men of talent, the authors of ingenious inventions. Was the House prepared to admit to the latter class of individuals that their existing protection was not sufficient? Yet that the House must admit, if it admitted that the existing protection enjoyed by literary men was not sufficient. It would be most partial legislation to extend the protection to the one class, and to refuse to extend it to the other. Many persons were of opinion that the inventions of the one class were quite as conducive to the comfort and happiness of the world as effusions of literary genius, to which the hon. and learned Gentleman had exclusively adverted. Nor was that all. He objected to the limitation of the intellectual enjoyment of the public at large, which the extension of the present privilege of copyright was calculated to produce. He held in his hand a statement by which it appeared that during the last year of the existence of the copyright of Sir Walter Scott's "Lay of the last Minstrel," that work was sold at two guineas; but that in the year after the expiration of the copyright it was published at five shillings; and in the subsequent year at eighteenpence! The same was the case with respect to "Marmion." It was originally published at a guinea and a half. After the expiration of the copyright it was published at five shillings; and more recently at tenpence! Was not that diminution of price a great advantage to the public—an advantage which ought not to be relinquished unless on very good grounds? He therefore said once more that all the House had to consider was, whether, up to the present time, the privilege enjoyed by authors had been a fair, a proper, a sufficient privilege. It was just also to ask who were the parties complaining of the existing state of the law, and requiring an alteration? He had made diligent inquiry, and he did not understand that there was a single petition to the House in favour of the hon. and learned Gentleman's Bill. Why, then, alter what had gone on so long without complaint, and against which no complaint was at present preferred? Why, without being desired to do so, agree to a measure calculated to produce a great evil—that of increasing the price of books? The question lay within a very narrow compass; and he had stated the view he took of it. While he was desirous that every author, and every other man of genius and talents, should enjoy the benefit to which he was entitled, he was not prepared to make the provision comprehended in the Bill of the hon. and learned Member for Reading a general one; and if not a general one, great injustice would be inflicted on those who employed their talents in a way calculated to promote the great branches of our manufactures and industry. He should move, therefore, that the Bill be put off for six months.

The *Solicitor General* was anxious to say a very few words, for the purpose of explaining the reasons which compelled him to support the amendment of the hon. Member for Kilkenny, and to oppose the motion of his hon. and learned Friend. He took this course with great reluctance, because he could not but feel, that it was a subject with which his hon. and learned Friend had taken great pains; and that it was a subject which his hon. and learned Friend was peculiarly well adapted to deal with. He would, however, very shortly state to the House his reasons for opposing the measure. In the first place he disputed the principle which his hon. and learned Friend had so eloquently endeavoured to enforce. He could not but think that his hon. and learned Friend was asking the Legislature, by acting on a sort of sentimental feeling, to take a course which, in his opinion, they would fail in their duty if they were really to take. There was only one question to be asked. Was the present term of copyright sufficient effectually to secure to an author himself the benefit which he ought to derive from the exercise of his talents? If so, then why extend it? It might be a pleasing thing to contemplate the extension of the benefit to the posterity of an author. But it was impossible so to extend it without doing a great and manifest injustice to the public. He was quite ready to admit, that authors of genius should have all that they were entitled to ask. But if they already got enough to secure the devotion of their powers to the public, why adopt a measure by which the public must be so materially injured? All unnecessary taxation was to be deprecated; and what tax could possibly be more injurious than a tax on that knowledge which they were all so desirous to diffuse? He repeated, that the only question was, is the present term of copyright sufficient for all beneficial purposes? If his hon. and learned Friend had argued the subject in the Court of King's Bench as he had argued it in that House, it would have been said of him that he had committed a logical *felo de se.* His hon. and learned Friend had shown, that the illustrious Wordsworth, in the obscurity in which he voluntarily remained, was careless of present benefit, satisfied that posterity would do him justice. Why, that showed, not only that the existing protection was sufficient, but that it did not require any protection whatever to induce great writers to instruct and amuse the public with their lucubrations. Such being the case, was the House prepared to tax the public in the manner in which his hon. and learned Friend's Bill would certainly tax it? He thought not, even on his hon. and learned Friend's own showing. But, independently of that circumstance, he maintained that, on the general principle, the House had no right to tax the public to a greater extent than was sufficient to induce an author to devote his labours to their service. He should therefore vote for the amendment which had been moved by the hon. Member for Kilkenny.

Sir *Robert Inglis* supported the Bill. The hon. and learned Gentleman ought to have shown, he said, if the hon. and learned Gentleman could, that literary property was not just as much protected by the common law as any other description of property. The question, indeed, in his opinion was, if literary property had not been injured by the Act which was called an Act for its protection; and whether we ought not to revert to that which was originally the case, and give to an author that property in his literary productions which was enjoyed by every other person in any possession that he enjoyed. At least, the hon. and learned Gentleman ought to have shewn why twenty-eight years was the limit of protection beyond which the Legislature ought not to go. As to the price of books, it should be recollected, that the purchase of books was a voluntary act; and that no author would ever charge a higher price for his books than he found the public disposed readily to pay. Could it be conceived that any author would retain his works in his own possession rather than let them go forth to the public at a reasonable rate? Would any of the great writers of the last century, or would any of their descendants, if the property in the works of their progenitors had remained in them, have so acted? What was the object of the Bill proposed by the hon. and learned Gentleman? In his opinion, the Bill did not go far enough, for he was desirous that the original right, common to literary as to other property, should be restored, and that an author should hold his copyright in perpetuity. He could understand why no copyright should be created; but he could not understand why it should be limited to twenty-eight years, or to any other definite period. He supported this Bill, therefore, as an improvement in the existing law, not as effecting all the good which he thought desirable. Why were great writers to be placed in the more than Egyptian bondage of receiving only just as much as would induce them to continue their labours? He fully admitted, that the great men of the last century, and the greater men of the preceding—the Bacons, Shakespeares, and Miltons—did not write with a view to mere profit: but even to these it would have been a natural consolation and a just reward, that, on their death beds, they could have left to their children some inheritance in the products of their genius; that, while others were growing rich on their immortal works, their own children should not have had to struggle with poverty, and to depend, one on private bounty, another on a public subscription, a third on a charity representation of the *Comus* of his ancestor. The hon. Member for Kilkenny had talked of the inventors of mechanical improvements. He (Sir Robert Inglis) would much rather extend the privileges which those inventors at present enjoyed, than curtail them. But that was not then the question. The question related to literature only; and no comparison could justly be made between the productions of literary genius, as permanent as they were admirable, and works of mechanical ingenuity, which might speedily be superseded by the inventions of more skilful or fortunate persons. A good deal of misapprehension existed on this subject. The hon. Member for Kilkenny had referred to a statement; and he inferred from the hon. Member's remarks, that that statement was contained in a petition emanating from those who ought to have known better. He found that it was alleged, that in the year 1818, the only English edition of Clarendon's History, published at Oxford, cost fifteen guineas on the large paper, aad seven guineas and a half on smaller paper. He had felt it his duty to make inquiries into this subject on seeing this statement, because it must be obvious that it was meant to insinuate that, till the year 1818, copies of the work in question were never sold at a lower rate. The hon. Baronet here read from a paper, to show that fourteen different editions of this work had been sold by the university, in the course of the last century, at a much lower price, and one in the year 1807 at three guineas. He trusted, therefore, that the House would not take the statements contained in this petition as conclusive. But the proposition of his hon. and learned Friend was nothing more than this, that if the book were a good book, he would do an act of justice to the author. Was it just that the families of such men as Wordsworth, and Scott, and Coleridge, and Southey, were to be deprived of the property created by the minds of their illustrious progenitors, in order to enrich the families of John Murray and Thomas Longman? Notwithstanding all that had been said by the hon. and learned Solicitor-General, the question was not one between the author and the public, but a question between the overgrown publishers of London, and some one or two other cities on the one hand, and the literary men of England on the other. Many instances might be mentioned, to show how imperatively justice demanded the passing of some measure of this description. He would mention only one: a distinguished individual, whom he had the honour of knowing, having employed great labour, and consumed much time in the preparation of a very important and very valuable work, had the mortification to find, that his book was pirated, almost immediately after its publication, by a society of which many of the hon. Gentlemen opposite were members. There were, no doubt, many other instances fresh in the recollection of hon. Members, displaying, in the strongest light, the inconveniences sustained by literary men, in consequence of the want of means for securing legally the copyright of their works. This was felt and acknowledged, both by men of high scientific attainments and eminence in the arts, who must have secured to themselves and families at least a competent provision, from the produce of their ingenuity and talent, had it not been for the defective state of the laws upon the subject of property in published works. He confessed that, viewing the subject of literary property in this light, he was sorry to find the Solicitor-General, as an organ of the Government, opposed to the Bill; and still more concerned to think, that an attempt should be made by that hon. and learned Gentleman to turn the tables on those who sought protection at the hands of the Legislature, and laugh them out of court. The principle on which they were called to legislate in this instance was, that they should not be niggardly in showing to the public, and other nations, their sense of the obligations conferred upon society by men of genius. That acknowledgment ought to be prompt, as well as liberal; and, in reference to this part of the subject, he must say, that the legislature of the country, under a liberal form of government, ought to prove itself by substantial protection afforded to the copyrights of ingenious foreigners, sensible of the benefit we derived from the talent and research displayed in their works. Nor was it enough that we should show ourselves, in the present generation, sensible of the minds of a Scott, a Southey, or a Wordsworth, by purchasing their works at remunerating prices; the future reader ought to be constrained by legislative enactment, to contribute his share of remuneration to the genius which dictated those works of genius, in a just proportion to the gratification he must inevitably derive from their perusal. The hon. Baronet concluded by observing, that he entirely concurred in the motion of his hon. and learned Friend (Mr. Sergeant Talfourd), and sincerely hoped that the House would allow the Bill to be read a second time.

Mr. *Pryme* remarked, that the common law had given protective rights to the literary man, which like other parts of the common law, had grown up by usage. With the common law right he was inclined to rest satisfied. The question this night was this, were they to extend the privilege of the author or owner of the copyright from twenty-eight years to the term of sixty years. The Solicitor-General had asked whether the present security and protection afforded by law was not sufficient for the encouragement of literature and all useful purposes? In corroboration of the opinion conveyed by this interrogatory, he would remind the House that even the hon. and learned Mover himself had admitted, that the price of books, and the remuneration of literary labour had decreased since the protection had been extended from fourteen years to twenty-eight years. And he would ask, was it *propter hoc* or *quoad hoc* that the Legislature should be called upon to extend the period of protection to literary compositions? With respect to Sir Walter Scott, he conceived that he had been amply recompensed by the reading public for his admirable works; but the causes of his disappointment had originated altogether in causes unconnected with his literary occupation. In fact, he must have realised an almost princely fortune, had he not involved himself in speculations in trade, and been involved in the mercantile distresses of the crisis. But he would ask whether that which was now sought by his hon. and learned Friend would be a boon to literary men; Was it not well known that most popular authors were in the habit of selling to their bookseller their copyright at once? If the price were raised, the effect would be that fewer persons would buy; the booksellers' profits would of course, be less, and the publisher could only afford a correspondingly less remuneration to the author. So far it would be prejudicial to the real interests of the author. The works of Adam Smith, published in 1776, were published with notes adapting the work to the growth of knowledge in the interval, by Mr. Buchanan in the year 1806. The admirable edition of Millman's Gibbon would not, nor could not for many years after have been produced through the press, without the express consent of the author or his representative, had the bill now before the House been the law of the land, extending the privilege of copyright to sixty years. Since the same might be said with respect to the best and safest edition of Gibbon, which was the most authentic history of the time of which that distinguished author treated, he felt there were reasons to induce the Legislature to pause ere it assented to the provisions of such a bill as that before the House.

Mr. *D'Israeli* said, that he had always been taught to believe, that monopoly was a privilege for exclusive sale, when there might be great competition, and copyright was a privilege of holding that which, but for this principle, might be sold by any one. Every circumstance which had been brought forward as significant of monopoly in capital was a characteristic of property; and it would be right to consider in the present question what kind and degree of property was to be acknowledged. They were works requiring great learning, great industry, great labour, and great capital in their preparation. They assumed a palpable form. They might fill warehouses with them, and freight ships; and in his mind they constituted a species of property better than any other. The tenure of that property was not fictitious; it was primitive; it was the most natural and the least liable to be disputed. It was a tenure by creation; and what he objected to was, that such a tenure should become in any way compromised. When the hon. Gentleman opposite said that it was a tenure not recognised after a certain period by the statute law, he begged to say, in answer, that it could be enforced under the common law, a law founded on common sense. But if the authors of those works had not at present what they were fully entitled to—if their property in their works was not at present secure, then they had a right to agitate till such time as they obtained that to which they had a just claim. He would follow the example of the hon. and learned Sergeant in keeping clear of all the details of the measure. If the bill were read a second time, and he hoped it would be, the details of the measure could be discussed in Committee. He would, therefore, address himself briefly to those points which related to the principle of the bill. It had been brought forward as an argument, that the measure would put it in the power of an individual to refuse the publication of a work calculated to amuse or to instruct the people, that it would give authors the power of withholding from the public works calculated to improve and to elevate the mind, and to promote the happiness and prosperity of the country. Now, he thought it remarkable, that such a difficulty should have been started, that they should have been met in the outset by such an objection on the part of the opponents of the bill, for such a difficulty was of all the least likely to happen. In legislating on this important subject, they had no right to suppose, that such a difficulty would have to be encountered; but, on the contrary, they were bound to suppose, that a man in the possession of property would wish to make the best possible use of it, so as to reap from it the greatest possible advantage. Such a supposition was the natural one, and it was almost an absurdity to suppose, that those who were in the possession of any sort of property would wish to render it as useless to themselves as possible. But suppose he had a freehold estate, and refused to cultivate it so as to reap from it all the advantage which cultivation might enable it to produce, he could hardly think, that any hon. Gentleman would feel himself at liberty to come down to that House and propose a measure for enforcing the cultivation of that estate, or for repealing the laws against trespass, so as to enable others to derive that benefit from the land which he himself neglected to secure. In the case he had instanced there was a stimulus to the cultivation of the land; and it was unlikely that the proper cultivation of the soil would not be duly attended to, so, as to obtain from it the greatest amount of produce; and in the case of literary works the same stimulus actuated the author, and made him desirous to obtain the greatest pecuniary gain from his labours. But, in the case of the author, the House ought to recollect, that there was a double stimulus to give publicity to his works. There was not only the stimulus arising from pecuniary considerations, there was also the stimulus arising from extending his reputation; there was not only the stimulus of interest, but the stimulus of fame and glory to be acquired; there was not only the stimulus of wealth, but the stimulus of obtaining admiration and respect. It was said, that the necessary consequence of this measure would be, to increase the price of books. That was an objection to be decided by an appeal to facts. He would take half-a-dozen books of standard reputation, the works of the present age, and the copyrights of which were vested either in the authors themselves or their representatives. He would also take six standard works of the last generation, and if he could show, as he could, that those works which originated in the present age were offered to the public at a price 100 per cent. less than the works of former generations, it would be clear that there was no reason why they should refuse to extend to authors the rights and the powers which the present bill contemplated. If they took the works of Scott, Byron, Southey, Wordsworth, and he might add the works of a relation of his own, and compared the price obtained for them with the price charged by the trade for the works of Hume, Johnson, Burke, and other authors of the last age, they would find that the public obtained the works of the former at a far cheaper rate than those of the latter authors, who had all been dead for many years. This objection, then, fell to the ground—it was based upon a falsity, and there was no good evidence to show that authors themselves enjoyed anything like a monopoly. There was, however, a monopoly, not in favour of the authors, but a monopoly in favour of the booksellers. It was a monopoly enjoyed by those who did not labour for it, and which had all the odious features of other monopolies. By the old system that monopoly was called into existence, and he asked the House now to convert that monopoly into a property for the authors. They were told, that this was not a question between the author and the bookseller, but between the author and the public; but from whom had the petitions come which had been laid upon the Table in opposition to the bill now under discussion? They were all from booksellers or printers who participate in the monopoly; but if they were to regard the principle upon which those petitions were got up, he supposed they would, when the Imprisonment for Debt Bill came befor the House for discussion, have, upon the same principle, a petition against that measure from the sheriffs' officers. A great number of the petitions which he had seen presented against the Bill of the hon. and learned Gentleman opposite, were but the writhings and contortions of a monopoly attacked. The hon. Member opposite, who had quoted the case of Gibbon against the present measure, had, in his opinion, hit upon the worst instance that the hon. Member could possibly have adduced in favour of his arguments. Here was a man who had devoted his life to the composition of a work, the value of which every man willingly acknowledged, and which, indeed, might be considered the greatest of all modern works. Here was a man who devoted more than twenty years to the production of a great work, and he was an instance of what was called a successful author. Now he remembered a passage in Gibbon's Correspondence, which he had no doubt was familiar to hon. Members, wherein, in exulting terms, he spoke of the termination of his labour, and stated that he had received 6,000*l.* from the booksellers for his book, but adding, at the same time, that the sum he had received was just equal to that which he had expended upon the purchase of books of reference during the twenty years he had been employed on it. But let the House consider that even the sum obtained by Gibbon was only at the rate of 300*l.* a-year for the time he was employed, and let hon. Members then say whether, the value and importance of the work considered, that was an exorbitant remuneration for his labour. Well, Gibbon died, but had the public derived any advantage since that period by better or cheaper issues of his great work? On the contrary, till the new edition, now in course of publication, was undertaken, the work had not been sold cheaper than it would have been in the lifetime of Gibbon. It was fifty years after the death of that illustrious author before any bookseller had ventured on the publication of a cheap edition illustrated with annotations worthy of a scholar. The edition, now in the course of publication, was the first attempt of any individual to give the public a cheap and valuable edition of the works of Gibbon, for the booksellers had monopolised the work, and prevented the public from obtaining it in a cheap form, and debarred literary men from exerting their abilities to render that work more valuable by their labours. It was only now, after the lapse of fifty years, that the public were to be allowed to possess the works of Gibbon in a cheap form, and improved and rendered more valuable by the labour, learning, and researches of a scholar. Such was the effects, not of a monopoly in favour of the author, but of a monopoly in favour of the booksellers. Let him now compare this case of Gibbon with that of an individual very different indeed, but possessed of equal learning, and of genius, and of abilities of the highest order—he alluded to Mr. Southey. Mr. Southey more than a quarter of a century ago was desirous of composing a work more extensive in its nature, and of not less importance or of less value, than the great work of Gibbon, and demanding not less labour, learning, and research. The work which he projected was a history of the monastic orders from their foundation; but Mr. Southey, compelled to take the interests of his family into consideration, found himself obliged, from the present state of the laws affecting literary property, to give up that great work, which, had it been finished, would, he was sure, have added to the reputation of its illustrious author, and been productive of the highest advantages to literature. Such were some of the effects of the present state of the law, and he could hardly conceive it possible, that any person could advocate the continuance of such a state of things. He hoped the Bill would be allowed to be read a second time; but he would not appeal in behalf of the measure to the sense of justice, or to the generosity of hon. Members. He would appeal to their interest; and he asked them to allow the Bill to be read a second time, because it was wise and politic for them to do so. The poet and the scholar of the present days was not to be confounded with the monk of feudal times. Literary men exercised great power, often an irresistible power; and he would ask, whether it was wise or right for that House to debar from the right of property in their works the creators of opinion?

Mr. *Ward* looked on the right of property in literary works as fictitious, and considered the House bound to ask how far they were likely to extend benefit to the public by such a measure as the present before they gave it their sanction. If any sufficient proof had been brought forward, showing that there was not sufficient encouragement to literary men, then there would have been some plea for introducing the present Bill: but, on the contrary, he would appeal to every hon. Member present, whether at any period of our history literary labour was so well paid for as at present? If then, under these circumstances, they found that the Bill before the House created a monopoly, and that it would operate injuriously to the public, they would act improperly in allowing it to pass. It was upon the broad principle that they had no right to tax the public for the benefit of the authors, that he oppsed the Bill; and conceiving that there were clauses in the measure tending to prevent the publication of all literary works useful to the middling classes, tending to prevent the publication of all books of extracts, a class of works which were largely circulated, and conceiving that there were great difficulties in the way of the measure, he would give his vote against the second reading.

Mr. *Milnes* was understood to say, that after the able speeches which had been delivered in favour of the measure now before the House, there was little left for him to say. He could not, however, give a silent vote on this important subject, and he trusted the House would indulge him a few moments while he stated the reasons which induced him to support the Bill now under consideration. In his opinion there was no species of property so little protected as that of the author, and surely some amendment of the laws affecting literary property was called for, in order to render that property more valuable to those who laboured so usefully to promote the instruction of the people, and the happiness and prosperity of all classes of the community. He called upon the House, by adopting this Bill, to make some recognition of the merits of that class of individuals to whom the country owed so much. He could not concur with the hon. and learned Solicitor-General in the sorry economy with which he would drive authors to a sort of work-house allowance; neither could he join with the hon. Member for Sheffield in thinking that the property of literature was entirely fictitious. That property had, even in times of anarchy, been held sacred, and the history of France told, that in the worst time, the property of copyright was acknowledged for the author's life, and ten years after his decease. It was a property which could not be set aside by the arguments of the hon. and learned Solicitor-General, and he could not see why, as this Bill proposed, a premium should not be given to literature, and that this species of property should not be secured to an author's descendants.

The *Chancellor of the Exchequer* was very reluctant to give a silent vote in support of the Bill of his hon. and learned Friend, in consequence of so much opposition to it having come from Gentlemen in whose opinions he generally concurred. The debate had been opened to a considerable extent by his hon. and learned Friend, the Solicitor-General, in whose judgment he generally placed great reliance. If he could adopt the views of his hon. and learned Friend, and the observations which had fallen from other hon. Gentlemen, he should certainly be prepared to go much farther than they appeared willing to go. For, if their arguments were correct, they ought to follow them up by a repeal of the existing law of copyright altogether. His hon. Friend, the Member for Sheffield, contended, that there was no property in literature; if not, how could he, or those who agreed with him in opinion, defend the law now on the statute book? The argument of his hon. Friend was, there was no property in the literary productions of the mind beyond what was the creation of the law. Why, all property was the creation of the law. The principle of all property resolved itself into a principle of general usefulness to society. Property of every kind was the creation of the law justified by the principle of usefulness. If, then, there was any general usefulness connected with the recognition of this particular species of property, it became as much entitled to the protection of the state as any other description of property; and as to the question whether it was literary property or not, that became wholly immaterial, and the argument founded upon such a distinction entirely fell to the ground. The Solicitor-General seemed to put the question altogether upon this principle, that under the existing state of things there was extracted from the genius of authors as much as it was possible to obtain from them; and that having obtained this maximum of good, the present question was a totally immaterial one, and was not necessary to be entertained by the House. But that was not a just way of dealing with a subject of this description. Between the case of a patent invention and the present subject an analogy had been drawn, the fallacy of which he would presently endeavour to point out; but supposing, on an application for a patent to protect some mechanical invention, it could be shown, that as much benefit could be produced to the community, and the same amount of ingenious mechanism be obtained, without granting a patent right, still that would not satisfy the fair expectations of the party, nor ought it to satisfy society at large, because the public interest would certainly be ultimately injured if those who were great public benefactors were not enabled to obtain for their labours an adequate reward. An adequate reward was one of the elements they were bound to take into their consideration when discussing the present question. He was anxious to have that principle first discussed; they might afterwards discuss whether by making the reward more adequate to authors, they would or not be conferring a greater benefit on the public. The case of Mr. Southey, which had been mentioned by the hon. Member for Maidstone (Mr. D'Israeli), was one showing that a work had not been produced in consequence of the inadequacy of the reward; and how many more of such cases were there, he might ask? But it was objected, that we ought not to bring forward these illustrious names. If we argued the question of inadequacy of rewards generally, we were called upon to produce our cases; and then, when we did so, we were told, because these were great and glorious names, that we had no right to reason in reference to those particular cases, and that we were leading the House astray by our sentiment. He confessed he should be sorry to approach this subject, or discuss it, without sentiment; and was it much to discuss the genius of the great among mankind with that feeling which others might call sentiment, but which he would call well-directed enthusiasm? Then let them take the case of Mr. Wordsworth. Was there a single person competent to form an opinion upon the subject who would contend that it was just, that whilst that illustrious man was conferring a boon upon his country and the world, the law should at his death deprive his family of that property which was the creation of his own genius? The way in which those were dealt with who supported this Bill was not fair. When they argued upon the general question they were told to bring forward their examples; and when they did bring forward particular examples, they were taxed with reasoning from sentiment and enthusiasm, which the great names they produced naturally gave rise to. With respect to the analogy between invention in machinery and literary production attempted to be set up, he should like to know in what that analogy consisted. If you were to confer upon any patentee an immortality of his patent, it would be of no use whatsoever to him. An invention which was of importance in 1830 would become superseded by another invention in 1837; a patent right, therefore, if granted in perpetuity, would, in nine cases out of ten, not benefit the inventor, whereas a copyright gave an enduring benefit to the author. Where, then, was the analogy between the two cases? Would those who urged this argument give him the benefit of their own analogy? According to the present law of patents, if a patentee could make out a case before the Privy Council, he could obtain a prolongation of his patent. [*A Member:* For a certain time.] Yes, for a certain time; but that was the principle of this Bill. If they permitted an extension of the period for the benefit of patentees when cases were made out, why should they not with respect to literature permit a like extension, on cases being made out, for the benefit of authors? He only asked for the exertions of the highest range of intellect the same degree of reward that was bestowed upon the lower and secondary powers of the mind. However much disposed the hon. Member for Kilkenny might be to raise the pretensions of genius in its application to mere mechanical inventions over the powers of intellect as applied to literature, he would ask, whence mechanical inventions themselves proceed, if it were not from the impulse given to the general mind by the works of those of loftier genius and of a more comprehensive range of intellect. But he wished it not to be supposed that he undervalued the claims of printers, and publishers, and all the other parties engaged in the mechanical process in getting up the works of authors. On the contrary, he was ready to extend the fullest consideration to those claims; and he, for one, was far from thinking that they preyed upon the brains of men of genius. He trusted, however, that the House would not, after the cases of inadequacy of reward in the instances of some of the greatest names that shed a lustre on British literature that had come before them, reject this Bill upon its second reading without even taking into consideration any one of its propositions. Gentlemen had objected to some of those propositions, and especially to the term of sixty years, but these were points open to discussion in Committee. The supporters of the Bill did not feel themselves pledged to all its clauses. He could not sit down without repeating the sentiment which he had on a former occasion expressed, and in which he was sure all present participated, even those most strongly opposed to the measure—the sentiment of delight with which he had heard his hon. and learned Friend, and his opinion of the peculiar appropriateness with which this motion had been placed in the hands of one of the greatest ornaments of our living literature, who, with a manliness and spirit that did him the highest credit, had come forward, not upon an exciting political subject, nor upon one which seemed to be very attractive to the House at large, but to discharge his duty to that body of literary men to which he himself belonged.

Mr. *Grote* felt it his duty to oppose the second reading of this Bill, and he would shortly state the grounds upon which he did so, and with a view to what interest it was that his object was confined. There had been a good deal of argument upon the fact, that the principal petitions against the Bill had been presented from publishers, printers, and booksellers. He wished to state distinctly that his opposition was not founded upon any peculiar sympathy for either of those three classes; but most distinctly and exclusively upon the feeling he had that this Bill would have the effect, if it had any effect at all—of narrowing the circle of the public amongst whom literature would circulate. It was upon that view solely, that he opposed the Bill. If Gentlemen who supported the measure would show him that he was in error—if they would show him that printing under a copyright would be cheaper than printing without a copyright, his opposition to the Bill would be withdrawn. But he must say, if that had been the fact, it was his firm belief, that the House would have heard nothing whatever of this Bill. He would put it to the hon. and learned Gentleman, what would be the case in the event of this Bill passing? Would not the representatives of the authors dispose of all their interest in the sixty years' copyright for a sum in hand; and should we not be still liable to the painful spectacle of some son or grandson of some eminent historian—if of an indiscreet character—suffering under poverty and distress? He would venture to say, that neither this Bill nor any other that might be devised, could rescue the son or grandson of a literary man from the consequences of improvidence and indiscretion. Much as they might all lament this, and much as their sympathies might be touched by it, yet it was quite impossible to prevent them from suffering the consequences of their own imprudence. A good deal had been said during the present discussion as if this were a question between authors and publishers, and not between authors and the public. Now, he would apply to any Gentleman whether there was any one department of commercial enterprise in which competition was more intense and more active than in the publishing trade. It was impossible to suppose, that publishers in the present day could derive more than an ordinary remuneration for capital and trouble employed in trade. Therefore, if by any alteration of the law of copyright they were to impart to the author a greater profit than he now received from his works, that benefit would be obtained at the expense of the reading public who purchased them. But in his opinion, whenever a question arose between the interest of any one class of persons and the interest of the public, it was the duty of the House to give its decision in favour of the latter. It was his belief, that the Bill was replete with mischief to the public, doubtful in its pecuniary results as to the authors themselves, and calculated to rob those authors of that which he was persuaded they set a greater value upon than any pecuniary gain—a wide and enduring circle of literary and intrinsic admiration.

The *Attorney-General* felt bound to offer some observations on the bill of the hon. and learned Member, to which he must give his opposition. In one of the petitions which he had had the honour to present from the City of Edinburgh, it was stated, that when the statute the 8th of Anne, passed into a law, there were only two printing presses engaged in that city, while there were now sixty, at which no less than 8,000 men were employed; and, notwithstanding these facts being represented, yet the system as it at present existed was objected to, although it had produced the beneficial effects which were pointed out. He was prepared to admit, that there were instances in which it was necessary to extend some additional reward to literary men; but he would ask whether the House would content itself with legislating for those rare and uncommon instances by altering the whole existing system? He would point out the plan which suggested itself to his mind as being a just and proper one. In the case of the Patent Act, since the law had been passed four years ago, he had been called upon, in his office of Attorney-General, by the Privy Council, to investigate cases in which it should be proper that an extension of patents should be granted, and, in the course of that inquiry, it was found that there were cases in which the extension he referred to might with justice be granted, the patents being of so valuable a character as to entitle the parties to such an additional advantage. Might not the same course be adopted in the present case, and would not Mr. Wordsworth then be fully rewarded for the labours which he had undergone; and might not the heirs of Sir Walter Scott be placed in a situation in which they might enjoy the benefit of his works; and might not Abbotsford then still remain in them as their property? He saw no objection at all to such a course being adopted, and he should try to recommend some such plan to the consideration of the hon. and learned Member for Reading, whose bill it was his painful duty to oppose. The hon. Member for London had already referred to the evil effects which might be produced by the measure; but the hon. Member had not mentioned one which he was confident would ensue. He was of opinion that it would paralyse industry, and that it would do little for the great mass of authors. The provisions of the bill were that the author or owner of the copyright should have the benefit of it until the death of the former, and that it should be enjoyed by the representatives of the author for sixty years afterwards. But that would confer no benefit on the author, and it would, besides, be injurious to the public, because the consequence would be, that no petty author would avail himself of the provisions of the measure, and would not reprint his work; while, if it were reprinted by any one else, actions would be brought, and it would give rise to a great deal of pettifogging legal proceedings. This objection, however, would be entirely removed by his proposition; and by that, too, he thought that the object which they all had in view, namely, the proper reward of authors, would be secured. He should feel it his duty to vote for the amendment which had been proposed, that the bill should be read a second time that day six months.

Mr. *Williams Wynn* always entertained the greatest respect for the legal opinions of the hon. and learned Attorney-General, but he must differ from what he understood him to have said, that the law as it now stood had existed since the statute of the 8th of Anne. It appeared to him that that was the effect of the hon. and learned Gentleman's observations, but every literary man who was acquainted with the history of the country knew that copyright was enjoyed in perpetuity after that, and that it was not limited by the act of Anne until a decision which subsequently took place. If it were right that authors should have an increased compensation, he had no hesitation in saying, that the adoption of that course would increase the price of the book. The system proposed, would apply to all classes of books, as well to those of a superior quality as to books which were of a description calculated to minister to the bad taste and bad feelings of the people. The copyright in books of such a class was of no value, but the reason for which he was willing to extend the law was for the protection of those works which always met with the public approbation, and to which, although they might not suit the taste of the public at the time of their being published, future ages might look with respect and admiration. All property of whatever character rested on law; but on what did law itself stand but on right reason and good sense? He would ask the House, therefore, if they desired at all to hold out an inducement to a person to devote long laborious years to the benefit of society? and if so, he would say that they must adopt some such course as that suggested. There were many instances within his own knowledge where some such interference in favour of authors was necessary, and he might first mention that of his excellent and respected friend Mr. Southey, whom he had had the honour to call his friend for the last fifty years. He knew how small the remuneration was which he had received for many of the works which he had produced by the most laborious efforts, and he knew also, that he had received more for his ephemeral works, as he might call them, which had appeared in the reviews and other periodicals, than for his enduring publications. He might mention the case of Mr. Hallam also, who had certainly contributed much to the good of the public, and yet he had only been able to produce his work upon the history of the middle ages a volume at a time, there being no call for them under the present system. It was true, that there were many publications of great genius and imagination; but he did not see works of an enduring character and sterling merit, such as were produced prior to the decision which had been mentioned. Small profits and quick returns had been the order of the day latterly in the publishing world. He confessed that he felt some difficulty with regard to the provisions affecting works required to be improved by successive writers. Dr. Johnson's dictionary of the English language, for instance, was a work of compilation from former works; but such a work in the course of time would require additions and emendations, and suppose the proprietors of the copyright were to say, "You may publish your additions if you please, but we will stick to the old copy, and our copyright shall not be interfered with." In that case the public would suffer by being deprived of an improved edition of the work. With respect then to the provisions for copying and using works *bonâ fide* for the improvement of learning, considerable attention and care would be required before they came to a decision. He should support the principle of the bill, and give his vote in favour of the second reading.

Mr. *Jervis* said, that he should recommend his hon. and learned Friend the Member for Reading, before he persisted in pressing forward his measure, to consider well the suggestion thrown out by the learned Attorney-General; and he should feel bound, if he did not do so, with great relutance to vote against the second reading of the bill. The House, in considering any measure which was proposed to be adopted, ought not to reason by what had already taken place for what might occur in future, and should not draw inferences that similar events would occur at a future time. It was admitted that before the case of Miller *v.* Taylor the copyright was perpetual, and yet many cases might be brought forward in which, although this perpetuity existed, authors were in the greatest distress and want. If the House were to believe the evidence given by Mr. Hansard in 1834, that he would not exchange the eleven copies of all works which were required to be given to public bodies for the extension, they might readily imagine that the authors would get nothing by the present measure. The House would not sanction a law to be adopted with regard to literary property which was different from the law relating to any other property, and he could not but express his opinion that the introduction of the law proposed, would have no effect, for if the bookseller were to be deprived of his property in the copyright on the death of the author, would not the price first given for the work be materially decreased? The case of Mr. Hallam was directly in point on the subject, and the reason which prevented booksellers from publishing standard works of sterling merit was the uncertainty of getting a return for the necessarily large outlay which they made. The question at issue, however, did not lie between the author and the publisher, but between the publisher and the public; for if the evidence which had been given on the subject was to be relied upon, not one farthing more would be given for the increased copyright than for the present term, and the benefit derived from the increased term would thus go, not into the pocket of the author, but of the publisher. Really, when he considered the small price which Milton and Defoe obtained for their works, and when he recollected the declaration of the hon. Member for Lincoln in a late debate, that the remunerationwhich he received from his works placed him above the suspicion of desiring the emoluments of place, he thought that the law as it at present stood worked well enough for authors. He should for these reasons oppose the second reading.

Sir *E. Sugden* would say a few words on the ground on which he intended to oppose the Bill. He could not agree with the learned Attorney-General in the opinion which he had expressed, and the plan which he had proposed; for he thought that however advantageous the principle might be in certain cases of mechanical inventions, it would be impossible to carry it into effect as to literary and political works, with a due consideration to the rights of all parties. He regretted, however, that it was on strong grounds that he must oppose this Bill. If he were to look to his own interests, small as they were, he should perhaps support it; but he could not help thinking that copyright however valuable it might be, partook in its nature of a public right, it became valuable only through the medium of the public, and, therefore, at some time or other the public ought to reap their share of the benefits conferred by it. In fact, the question was only one of degree. It had been treated as a question of abstract right, but it should not be forgotten that at present copyright depended upon the statute law. If the statute law had created a perpetuity for copyright, he should vote for reducing it to a shorter term, because such a law would not be for the benefit of the public, and at the same time he thought he might venture to say that it would not be of any additional advantage to the author, as he would not get *5s.* more for his work than he would now, if it were sold to a publisher before publication. The real object of his learned Friend's Bill was to pepetuate the copyright, which was about to expire, of works of great value and importance. He regretted the hardship of the particular case in view, but they ought not to legislate for individual cases. He considered twenty-eight years was a reasonable time for the duration of copyright, and if a term were taken which allowed of a devolution of interests, a confusion of right would be the consequence. The principle which he proposed to advocate had already been acted upon in the real property law; and he repeated, that if a long term were determined on, the means of tracing the representatives of an author would be lost. He would ask the hon. and learned Member himself, whose works were much and most deservedly admired, if at the time of his writing the extent of time for which the copyright, should last ever entered his imagination? And he would say, that he was quite confident that no such thought ever entered on the mind of any of the celebrated writers of the day. He would have no objection to allow the copyright of an author to be extended for five or seven years after his death, but he objected to the almost indefinite extension of sixty years. He believed, that indeed no man would care five pence about the right to the works at the end of sixty years after the author's death; but the extension of his interest in them six, or five, or seven years may be a gratification to him, and sooth his dying moments by the reflection that, for some time at least, his wife and children would have some little provision. To the smaller extent he thought it might go, but he thought so only because it would otherwise lead to no benefit with regard to the reversioner, the public to whom all should go. It was on these grounds that he opposed the Bill of the hon. and learned Gentleman.

Lord *Mahon* must certainly differ from his right hon. Friend. With his hon. and learned Friend who had introduced the bill, emolument might be no consideration; but he would put it to the House whether there were not cases of men with literary talents, perhaps superior, but who had not means and no professional talents like the hon. and learned Member, to render them independent? To such men he thought they were bound to secure pecuniary advantages, and he would therefore support this Bill. If he could persuade himself that the matter was merely a question between author and publisher, he might, perhaps, come to a different conclusion; but he could not, as he was firmly convinced that the public in general had a deep interest in the welfare of literary men. He thought it was a melancholy thing to see eminent writers destitute of common comforts, and reduced to a servile dependence on the great, or to the necessity of sacrificing their own better taste to the prevailing fashion of the day. Was it not painful to find such a man as Dryden obliged by his necessities to accommodate himself to the taste of his corrupt age? In a letter to the Earl of Dorset he complained that, having projected a great national poem, he was compelled to forego his intention to write plays, to suit the corrupt Court of Charles the 2nd. Was not that a case to excite their sympathy? Again, was it not melancholy when literary men were obliged to sacrifice permanent renown to temporary want? His right hon. Friend had alluded to works which had not pleased the taste of the public on their first production, but which an altered taste rendered popular; and was it not hard that the author's property in such works should cease the moment they became profitable? It was, in fact, giving an encouragement to authors to consult the taste of their age, however depraved, rather than their own better judgment. He considered it was the duty of that House to protect the interests of literary men, and for that reason would support the measure of the hon. and learned Member. He thought that many of the objections urged against that measure in the petitions which had been presented applied rather to its details than its principles. For example, they complained of the clauses relating to extracts. That had nothing to do with the principle. Again, the petitions complained, that copyright was a monopoly, and that by the 21st James 1st, all monopolies were declared to be against the laws of England. Well, then, if copyright was a monopoly, and that monopoly was against the law, was not a monopoly for twenty-eight years as bad in principle as one for sixty; and yet the petitioners were so inconsistent that they petitioned for the retention of the present term of copyright. He would ask whether such articles were entitled to much weight? At that late hour he would not trouble the House with many further observations, and would only say that he concurred with his right hon. Friend (Sir E. Sugden) in disapproving of the Attorney-General's proposition; he thought it would give rise to personal questions of an unpleasant nature. He admitted, that the interests of printers and publishers were entitled to consideration, but he thought they had taken a mistaken view of those interests. He would vote in support of the motion.

Mr. *Warburton* said, that the remark which had been made, that the opposition to this bill had been originated by interested parties, was of little moment, inasmuch as the opposition to all bad measures must naturally proceed in the first instance from interested individuals. For his part he considered this to be a most pernicious bill, looking at the effects which it must of necessity produce upon the general prosperity and character of the literature of the country. He felt persuaded, that it would do more injury to literature and to literary men than it could possibly be productive of good. The noble Lord who had just sat down had contended, that great good was likely to arise from this bill from the circumstance that authors would be persuaded to forego the ephemeral prospect of writing popular works calculated to secure a large immediate price from the publisher, and would be encouraged in the production of more elaborate and carefully written works by the additional security furnished by the bill; but he (Mr. Warburton) did not think that any legislative scheme would be likely to counteract the natural bias of meritorious authors towards legitimate fame. Such authors, he believed, would ever be actuated by the old principle, *volitare per ora virum.* He did not believe, that publishers would give one farthing more for copyright with the additional protection that this bill afforded than without it. Publishers acted in these matters like men of business; their object was to secure a return of the capital expended by them in the shortest possible period. The period of fourteen years did not enter into the calculation of the man of business, and he could not afford to give more for a copyright privilege of sixty years than of fourteen. In fact, the main object with the publisher was to secure a rapid sale. He believed, that authors, after the carrying of this measure, as before, would find it to be their interest to dispose of their copyright absolutely. It was said, that this bill would be a protection to the poorer class of authors; but the poorer they were, the more disposed they would be to make this immediate sale. With regard to the suggestion which had fallen from the learned Attorney-General, he (Mr. Warburton) thought it a most dangerous power to place in the hands of the Privy Council. If the Privy Council were composed of a majority of Tories, and a great work advocating popular principles were in question, they would very probably decide that the copyright ought not to be renewed; and *vice versa* in the case of a Privy Council composed of individuals the majority of whom advocated liberal principles, where there might be questions of a work advocating Tory views. He trusted, that all the publishers and printers throughout the kingdom would redouble their exertions until they met with that entire success which he wished them in opposing a measure that interfered with the best prospects of literature and literary men.

The *Attorney-General* said, that he did not propose to vest the discretion of which he had spoken in the Privy Council, but in the Judicial Committee of the Privy Council, which was composed of the judges of the law, who would doubtless exercise their functions without reference to party.

Mr. Sergeant *Talfourd* thanked his hon. and learned Friend, the Attorney-General, for his suggestion, which was one, however, that he had as yet not had time to consider. He might be inclined in the mean time to doubt whether the legal studies of the members of the Judicial Committee would exactly fit them for the proposed duty. He had heard with some surprise the morality of the hon. and learned Gentleman, the Solicitor-General, who was anxious to give the interests of society so marked a preference over those of individual authors. It was surely unfair to take advantage of that noble and honourable impulse which induced authors to publish—not any love of sordid gain—but a legitimate thirst after glory, and a praiseworthy desire to diffuse the sentiments which sprung from their own hearts, and make to such men the most ungrateful possible return, affixing to the result of their labours the lowest possible scale of remuneration, and visiting upon their children the effect of their gifted parents' zeal for publication.

The House divided:—Ayes 39; Noes 34: Majority 5.

List of the Ayes.

Acland, T. D.
Adare, Viscount
Attwood, W.
Attwood, M.
Barnard, E. G.
Barrington, Viscount
Blakemore, R.
Brocklehurst, J.
Browne, R. D.
Burrell, Sir C.
Cavendish, hon. G. H.
Chichester, J. P. B.
Dalrymple, Sir A.
Darby, G.

D'Israeli, B.
Ellis, J.
Freshfield, J. W.
Gladstone, W. .
Gordon, R.
Graham, rt. hn. Sir J.
Grattan, J.
Howard, P. H.
Ingham, R.
Law, hon. C. E.
Liddell, hon. H. T.
Mackenzie, T.
Macleod, R.
Mahon, Viscount
Maule, W. H.
Milnes, R. M.
Morpeth, Viscount
Morris, D.
Praed, W. M.
Pringle, A.
Rice, right hon. T. S.
Seymour, Lord
Tennent, J. E.
Vigors, N. A.
Wynn, rt. hon. C. W.

TELLERS.

Talfourd, Sergeant
Inglis, Sir R. H.

List of the NOES.

Briscoe, J. I.
Broadley, H.
Brotherton, J.
Buller, Sir J. Y.
Campbell, Sir J.
Collins, W.
Courtenay, P.
Denistoun, J.
Duckworth, S.
Finch, F.
Grote, G.
Hawes, B.
Hayter, W. G.
Jervis, J.
Jervis, S.
Langdale, hon. C.
Lefevre, C. S.
Lynch, A. H.
Muskett, G. A.
O'Brien, C.
O'Brien, W. S.
Ossulston, Lord
Pryme, G.
Richards, R.
Rolfe, Sir R. M.
Strutt, E.
Sugden, rt. hn. Sir E.
Tancred, H. W.
Thornely, T.
Villiers, C. P.
Wakley, T.
Ward, H. G.
Williams, W.
Yates, J. A.

TELLERS.

Hume, J.
Warburton, H.

On the motion that the bill be committed to a Committee of the whole House.

Mr. P. Howard moved as an amendment that the bill be referred to a Select Committee.

Mr. Sergeant *Talfourd* said, that this was a proposition to which he could by no means accede.

The *Attorney-General* said, that although he had opposed the second reading of the bill, he could not consent to the present proposition, which he considered to be an unfair way of getting rid of the measure. For his part, he considered that its details would be much more advantageously discussed in a Committee of the whole House.

Mr. *Jervis* considered that the bill presented so many legal difficulties, that it would be utterly impossible to get through it in a Committee of the whole House. He therefore was decidedly of opinion that it should be referred to the consideration of a Committee up-stairs.

Mr. *Hume* was also of opinion that it was a proper question to refer to a Committee up-stairs. All that he was desirous of was, to have the advantage of the best information which could be afforded on the subject.

Sir *E. Sugden* thought, that the House was already in perfect possession of the evidence. The facts were known, the law was known, and the bearings of the entire question were already known to the House. They were, in his mind, perfectly prepared to proceed without further inquiry.

Mr. *Warburton* was not of opinion that the motion of the hon. Member for Carlisle amounted to unfair opposition. He would, however, rather urge his objections to the bill in a committee of the whole House than in a Select Committee up-stairs.

Mr. *E. Tennent*, though decidedly in favour of the measure, would unquestionably vote for a Select Committee, as the best mode by which they could make the bill both perfect and palatable.

The House divided on the original motion:— Ayes 38; Noes 31: Majority 7.

List of the AYES.

Acland, T. D.
Adare, Viscount
Attwood, W.
Attwood, M.
Barrington, Viscount
Blakemore, R.
Broadley, H.
Brocklehurst, J.
Browne, R. D.
Buller, Sir J. Y.
Burrell, Sir C.
Cavendish, hon. G. H.
Chichester, J. P. B.
Darby, G.
D'Israeli, B.
Freshfield, J. W.
Gladstone, W. E.
Gordon, R.
Graham, rt. hn. Sir J.
Grattan, J.
Ingham, R.
Law, hon. C. E.
Lefevre, C. S.
Liddell, hon. H. T.
Mackenzie, T.
Macleod, R.
Mahon, Viscount
Maule, W. H.
Milnes, R. M.
Morpeth, Viscount
Muskett, G. A.
Praed, W. M.
Pringle, A.
Rice, right hon. T. S.
Richards, R.
Rolfe, Sir R. M.
Sugden, rt. hn. Sir E.
Tancred, H. W.

TELLERS.

Talfourd, Sergeant
Inglis, Sir R. H.

List of the NOES.

Barnard, E. G.
Briscoe, J. I.
Brotherton, J.
Chalmers, P.
Collins, W.
Courtenay, P.
Denistoun, J.
Duckworth, S.
Finch, F.
Grote, G.
Hawes, B.
Hayter, W. G.
Jervis, J.
Jervis, S.
Langdale, hon. C.
Lynch, A. H.
Morris, D.
O'Brien, C.
O'Brien, W. S.
Ossulston, Lord
Pryme, G.
Strutt, E.
Tennent, J. E.
Thornely, T.

Vigors, N. A.
Villiers, C. P.
Wakley, T.
Warburton, H.
Ward, H. G.
Williams, W.
Yates, J. A.
TELLERS.
Howard, P. H.
Hume, J.

The bill to be committed to a Committee of the whole House.

HOUSE OF COMMONS,

Thursday, April 26, 1838.

MINUTES.] Bills. Read a third time:—Clergy Residence.

GREAT YARMOUTH ELECTION.] Mr. *Willshere* said, that he begged to call the attention of the House to a discussion which had taken place yesterday evening, connected with the Great Yarmouth election. A petition had been presented by a right hon. Gentleman opposite, from Mr. Baker, the agent of the petitioners against the return, in which it was alleged, that Mr. Barth, the mayor, and returning officer, had absented himself with the poll-books, in order to defeat the case of the petitioners. Now to his (the hon. Member's) astonishment, the first person whom he met this evening, on coming to the House, was Mr. Barth himself, who assured him that he had had no intention to evade the order of the House. To his own knowledge, Mr. Barth was very largely engaged in business all over the country, and obliged, in consequence, to pass very suddenly from one place to another; but he was quite convinced that Mr. Barth would be the last person to do anything in the slightest way dishonourable, or tending to defeat the course of justice.

Subject dropped.

BUSINESS OF THE HOUSE.] Lord *John Russell* rose to move, that for one month from and after the 14th of May, an additional day in the week should be appropriated to Orders of the Day. It was a matter of considerable consequence, that both Houses of Parliament should have full time to consider the various measures that were brought before them; and it was very desirable, that when measures of great importance were under discussion, a full attendance of the Members of either House should be insured. This very desirable object had been defeated, to some extent, for several years past, owing to the lateness of the period at which measures of the very greatest importance had been sent up to the other House. It was well known, that in the earlier part of the Session, several of the motions which stood on the votes, were preparatory to bringing in bills. If those bills were then introduced, they afterwards became included amongst the Orders of the Day; but if the motions for bringing in such bills were rejected, there was an end to all legislation on such subjects for the current Session. He thought, therefore, that at a period of the Session like the present, the occasion for notices of motion was proportionably diminished, and that there would no inconvenience result from adopting the motion which he had now to make. Besides the Government bills, there were several bills brought in by individual Members, upon subjects of great importance, and of which he thought it extremely desirable that they should be discussed in the presence of a full House. He should, therefore, conclude by moving, that for one month, from and after the 14th of May next, Orders of the Day should have precedence on Thursdays.

Mr. *Williams* said, that the proposed arrangement would interfere with a subject of great importance which he had on the papers.

Mr. *Goulburn* said, that the proposition of the noble Lord seemed to him to involve considerations of very great importance—it was commencing at the middle of a Session, and when Gentlemen were most assiduous and regular in their attendance on their duties in that House, to interpose and procure for the Government a larger portion of precedence than any other Government ever had enjoyed. The notice days, as he had always considered them, and according to what he thought was the constitutional mode of viewing them, gave opportunities to private Members of Parliament to question the acts of Government, and to bring forward anything to which they thought fit to call the attention of the House. This was his view, but he must say, that the motion of the noble Lord had a direct tendency to prevent any Gentleman who might have to call the attention of the House to any grievance, or any matter of interest to his constituents, or to any class of the community, or to the public generally, not, it was true, from bringing it forward at all, but from bringing it forward in due time; he repeated, if the motion were agreed to, its tendency would be, to postpone bringing on questions of such a nature, until a period when the grievance respecting which notice of motion had been given, would be totally past remedy. He was quite aware that, towards the close of a Session, this practice had frequently obtained, and it might then be right or not, but the motion of the noble Lord came too early, when they were in the very heat of the Session, and when, as he had said, Members were most numerous and assiduous in their attendance. There might be, as he believed there was, much business on the books of the House; but why this mode of remedy? Parliament had now been sitting since November, and he would say, that if Government had used due diligence, they would have been able to bring forward, at an earlier period of the Session, those measures which yet remained for consideration. They were arrived almost at the beginning of May, yet no financial statement had been made on the part of the Government; and very few even of the estimates had passed; and he thought it was too much that Government should come down seeking a remedy for the existing state of things in this motion, instead of having begun, as it was their duty to have done, at the beginning of the Session, to bring forward the important business of the country.

Sir *J. Graham* begged to submit to the House, that this motion would interfere with the notice of motion which he had placed on the book, respecting a subject to which he was most anxious to call the attention of the House—he meant the proceedings at the late and preceding Roxburghshire elections, as transactions had taken place there, which it seemed to him especially necessary should be brought under the consideration of the House. He entirely agreed with his right hon. Friend, the Member for the University of Cambridge in what had fallen from him respecting the character of this attempt on the part of Government, at engrossing to themselves those opportunities which independent Members had hitherto enjoyed of bringing forward questions of importance; and he must say, that he hoped it would not be submitted to by the House. He would not wish to look at this question with reference to his own side of the House merely, but he would appeal to the hon. Member for Kilkenny, and all hon. Members on the other side, who were unconnected with Government, whether this was a fitting, proper, or even convenient course? He hoped, therefore, that the noble Lord would reconsider his proposition, and not attempt, thus early, to amend a regulation of the House, which had passed no longer ago than the early part of the Session; but more especially since, as the noble Lord had stated, Government would only gain three days by the change, he did hope that they would not seek to impose additional restrictions on a regulation which was already very strict.

Colonel *Davies* said, that the delay in proceeding with Government Bills proceeded in some measure from the motions relative to foreign affairs and to Lord Durham's mission, which had occupied the time of the House. Of this, however, he was far from complaining, as it was undoubtedly the right of Members to bring forward motions condemning the policy of which they disapproved, and it tended to the interest of the country, that these motions should be brought forward. He thought, however, that in the present state of the public business, unless hon. Members were prepared to sit till August or September, they must be prepared to give up the day, as suggested by the noble Lord.

Lord *John Russell* could do no more, in answer to the two right hon. Gentlemen who had spoken on the opposite side, than to repeat what he had said on introducing the motion—that complaints had been made in the other House of Parliament, that measures came up to them for consideration at a period of the Session, when Members of neither House were in sufficiently numerous attendance to give opportunity for a due consideration of such measures, and therefore measures of great importance were not rejected on the ground of their merits, but postponed to another year, in order to get time for further consideration. Now, he must say he thought that if this were true, the House of Commons were bound to remove this ground of objection; and if, on the other hand, any persons made this an excuse to get rid of measures which they did not like, then the House had equal reason to take measures to do away with that excuse. He wished, that it might no longer be said, that Government brought forward measures to which there was no time for giving due consideration. With respect to what had been said of the negligence of Government in not bringing forward important public measures at an early period of the Session, he wished it to be considered that in the year before last, the great questions of Municipal Corporations, and tithes had been considered in that House, and bills sent up to the other House, where they were rejected, it being understood, that both Houses were ready to reconsider those measures. This was the case in the year before last, and last year those measures had again come before them, with the addition of the Poor Relief Bill for Ireland; he therefore considered, that in the present year, they had in that House a very great and unusual accumulation of business. But what had they gone through in the former part of the Session? Why, first they had the settlement of the civil list; then they had the measures arising out of the very important affairs of the insurrection in Canada; they had lately a bill for amendment of the act of abolition of slavery, and pointing out and supplying the means by which it was to be carried into effect; they had had this business, he wished it to be remarked, in the present Session in addition to the measures on which they had before legislated. Then the Irish Poor Relief Bill had received a very full discussion and consideration, having occupied five or six weeks; then some progress had been made in the Tithes (Ireland) Bill, and the Municipal Corporations (Ireland) Bill, the Pluralities, and Clergy Residences Bills, the Benefices in Cathedrals Bill, in various measures for the better administration of justice, and in other measures of very great importance which were before the House. Looking at these circumstances, he did not think the Government could be said to have delayed the conduct of any important business, and he must say, also, that Members in general had this Session, paid very great attention to the business of the House. The proposition he had made, he considered to be one which would prove a very important benefit, if it enabled them to send up to the House of Lords the great measures to which he had referred at a period when that House would have June and July for the consideration of them. If the House agreed to the motion, it was likely, he thought, that the measures he had mentioned, might be passed this Session; if they did not agree to it, then Government ought not to be accused of not proceeding with them rapidly enough.

Mr. *Hume* said, the consequence of agreeing to this motion would be, that the Government would give notice, and probably bring on nothing. If the noble Lord would give notice, and on doing so, pledge himself to bring forward his motion on the day fixed, then he would support the motion, for there were several measures of Government, which he was very anxious to see proceeded with. But if the noble Lord would not give him this pledge, then he must vote against the motion, as he thought that there was very much in the objection which had been urged by the right hon. Gentleman opposite against Government's engrossing all the time to themselves, and preventing individuals from bringing forward questions of importance to their constituents or the public at large.

Mr. *Sheil* observed, that there was one consideration which was not, in his opinion, an unimportant one, and which would probably induce the House to accede to the noble Lord's proposition. It had been stated in another place, the House of Lords, that the Irish Corporation Bill, the Irish Tithe Bill, and the Irish Poor-law Bill, would be by them considered as parts of one measure, and that the Irish Corporation Bill would not be passed unless the other bills were laid before them at the same time. It followed, therefore, that if they sent up only one of those measures, the Lords would come to the resolution which they had already announced, of postponing it till the other two reached them. It was necessary, therefore, that the three measures should go up together to the other House, and after they were disposed of there, and they should come back to this House, there would be ample time for their reconsideration. For this reason, if for no other, he would support the proposition of the noble Lord.

Sir *Robert Peel* should give his vote against the proposition of the noble Lord. He was quite certain, that if the House sanctioned the precedent, sought to be laid down in this instance, they would be appealed to next year to pass a similar one. The noble Lord said, they had done nothing but considered bills, and that there never was a Session in which the business of legislation occupied so much of the attention of the House. He said,—See what important bills we have been considering; the Canada Bill, the Slavery Amendment Bill, and the Irish Poor-law Bill. Now, considering that they had discussed these measures without any party spirit, he thought they ought to have some better reward than restricting them after the 14th of May next, to only one day for the discussion of other than Government measures. The noble Lord's proposition was an attempt to deprive independent Members of the House of the opportunity of bringing forward and canvassing measures on the only two days left open to them. For at the commencement of the Session, the Government had imposed a new restriction before that time unknown upon independent Members of the House, by not allowing them to occupy the notice-book more than fourteen days. In consequence of that restriction, limiting the giving of notices to a fortnight, it was altogether impossible to know the intentions of hon. Members from an inspection of the notice-book alone. Formerly, they might see the notice-book crowded with motions for days long distant. But now the case was different; and the Government, not content with having succeeded at the beginning of the Session in limiting the giving of notices to a day not more distant than a fortnight now came forward, and endeavoured to impose an additional restriction. He was quite sure, that the House would not have acquiesced in the first arrangement, if they had had any idea that it was to be followed up by the present proceeding. He could not avoid perceiving that there was a growing tendency to discourage the bringing forward of motions by independent Members. On the only night on which were usually brought forward, questions of the greatest interest, and the most paramount importance to the whole country, Government proposed to give their own business precedence, and to limit the right of full and free discussion. Considering that they had devoted themselves lately to the great business of legislation—considering that a restriction had been already imposed by her Majesty's Ministers upon the right of giving notices—considering, also, that every facility had been afforded to the Government, towards carrying on the public business, he must protest against the establishment of a precedent shutting out all discussion upon the policy of the Government. There was, as he before observed, a great tendency on the part of the Government to abridge the privilege of discussion enjoyed by independent Members of the House, and indeed the arguments made use of in support of the proposition applied with equal force to limiting discussion to only one day. If the learned Commissioner opposite, he begged pardon, he meant the hon. Member for Tipperary, thought the Corporation Bill, or the Tithe Bill was connected with the Poor-law Bill, perhaps, he would ask the noble Lord why they were not to be brought forward earlier than the 14th of May? The Tithe Bill was originally fixed for the 30th of April, but it was postponed at the desire of the noble Lord himself until the 14th of May. What was the cause? Hearing no indication of any such intention, and knowing no reason why the Session should be abruptly or prematurely terminated before the entire business of the country was disposed of, he (Sir Robert Peel) must protest against establishing a precedent which might be readily appealed to on a future occasion by a Government stronger than the present, and which was avowedly founded upon some imaginary necessity for despatch.

Lord *John Russell* said, that with regard to the postponement of the Tithe Bill, which had been alluded to by the right hon. Baronet, he had only to say, that it appeared to him that when one measure had been for a long time under discussion, it was better to bring it to a close, than distract the attention by bringing forward other measures concurrently. Therefore it was, that he proposed the third reading of the Irish Poor-law Bill, on the day when Irish Members were likely to be present. There were at present only two days, Mondays and Fridays, on which the Government could bring forward measures. By measures, he meant not only bills, but also the supplies for the year. Considering the present state of the business of the House, he must say, that it was difficult to proceed satisfactorily with more than one or two measures at a time, unless an additional day were allowed. The right hon. Baronet opposite, (Sir Robert Peel) seemed to think, that the proposition for limiting notices of motions was an innovation, and that they formerly existed in great frequency and number. Now, when he sat at the opposite side of the House, he recollected that there were comparatively few notices of motions, and these were given not to embarrass the Government, or interrupt the progress of public business. If the proposition did not meet the wishes of the House, he would not press it. He must say, that the proposition not being pressed, and there being only the days allowed at present to the Government to bring forward measures, it must happen, that measures of the greatest importance could not pass the House before the latter end of July, and they would then be rejected in the other House on the former plea, that there was not sufficient time for consideration, thus creating arrears of business for the next Session, and making it a matter of triumph that the Government had not been able to carry their own measures.

Motion withdrawn.

Prison Regulations.] Lord *John Russell* moved for leave to bring in a Bill for the better ordering of prisons. This was the supplement of a bill which had been introduced in another House by a noble Friend of his; according to which, inspectors of prisons had been appointed, and various other acts had been suggested, which, however, he was induced to think might be amended. This bill enabled the councils of cities and boroughs to visit gaols in the same way as magistrates at quarter sessions were now enabled. It provided for the separation of different classes of prisoners; that was to say, that those who were committed for misdemeanors only (but who very often, he admitted, were persons of as depraved habits as those who were felons) should be classified and separated from the felons. Another object which he had in view was to do away altogether with the practice (which he considered to be most erroneous in principle) of employing prisoners as officers in prisons. Such a system, no doubt, as that which existed of employing a certain number of convicted prisoners to fill offices within the gaols, might be said to be one of practical economy, but it was, in his opinion, the worst possible principle which could be devised, and undoubtedly in its working gave rise to the worst consequences. It was a bad principle to proceed upon, that those who had been convicted of crime should possess any power over their fellow-prisoners. Those criminals who were the friends of these officers, who were, in fact, inspectors, were treated with unmerited kindness, whilst less undeserving individuals encountered very different treatment. There were various other provisions in the bill which it would be better to discuss when the bill should be before them. He would now move for leave to bring in a bill for the better ordering of prisons.

Mr. *Hume* said, that there could be no doubt whatever that very great practical reforms were required in the regulation of our prisons, and he rose, in the first place, to express his concurrence in the principle which the noble Lord's measure went to establish, of preventing those, who had been convicted of crime from acting as servants or assistants in prisons. He wished to ask the noble Lord in what manner he meant to carry out the general superintending power over prisons, so as to secure a uniformity of action in all cases. He believed, that unless some powerful and stringent authority were established by the Government, it would be impossible to prevent many of the abuses which did exist. He was rather of opinion that the whole subject of prison regulation ought to be left in the hands of the Secretary of State, and that a uniform system of practice and regulation should be followed throughout all the different gaols of the kingdom.

Mr. *Hawes* begged the noble Lord to recollect the resolutions which had been agreed to by the Select Committee, which had been appointed by the noble Lord himself. A considerable time had elapsed since the report of that Committee had been made, and a serious increase of crime amounting to no less than eighteen per cent., had taken place. The report of the Committee to which he alluded, on the laws and regulations relating to prisons, declared it to be the opinion of that Committee that means should be taken for the separate keeping of prisoners; and, secondly, that, for the purpose of carrying this object into effect, it would be necessary to reconstruct or to rebuild certain gaols. On this subject the noble Lord had had a correspondence with the city authorities. Now, the noble Lord, after this correspondence, had an excellent opportunity to establish the best model of prison discipline. He thought there was no one who would not admit, that our gaols, instead of being places of reform, were the nurseries of crime. Let the Central Criminal Court be made the seat of the experiment which had been suggested. He wished not to impede the progress of this bill, but he must say, it did not go far enough. It gave a certain power which might not be exercised—it gave a power to the magistrates at the quarter sessions, which practically would not tend one single step towards the reform of prison discipline. But it was important that this change of system should be made on a general and important scale; and if such should be the opinion of the House, let them have a good prison bill. He would here call the attention of the House to the great importance of an improved system of police. From criminal returns which had been made from the office of the Secretary for the Home Department, he found this important fact, that out of forty counties there was an increase of crime in the case of thirty-three. In eight of these counties this increase exceeded thirty per cent.; in nine counties it was between twenty and thirty per cent.; in ten it was from ten to twenty, and the only two counties in which there was stated to be a decrease of crime was, in the counties of Middlesex and Surrey. He attributed this circumstance to the better administration of justice, and to the very improved state of the police. He, therefore, thought, that the whole subject was well worthy of the attention of Government. He wanted much to know what were the intentions of the noble Lord with reference to the resolutions of the Committee, to which he had alluded. Let the House understand whether this was to be the only measure proposed for the improvement of prisons. He understood, that the noble Lord intended to refer this and other bills to a Select Committee. He must say, that a Committee on the subject of prisons having been appointed by the House of Lords—inspectors having been nominated, who had made their report—information having been obtained from Commissioners in France, America, Prussia, and Belgium, and all this information being in the hands of many hon. Members, it would be loss of time to go over the same ground, and he, therefore, hoped, that the noble Lord would reconsider his proposition, as it was of the utmost importance at once to give practical knowledge to those who had not had an opportunity of obtaining it.

Captain *Boldero* said, there was one point connected with prison discipline on which he wished to offer a few words. He had taken the trouble to visit several prisons in this great metropolis, in order to ascertain what was the system adopted with regard to military offenders. He found eighty of those persons in some gaols without labour; in other prisons there were ten and twenty kept to hard labour. But such was the want of uniformity of system, that no court-martial could be satisfied as to those who were kept without labour, or as to those who were really kept at hard labour. Now, in the Penitentiary, as far as regarded the extreme cleanliness of the gaol, and the uniformity of heat conveyed through that vast building, it reflected the highest possible credit on those who had the superintendence of the prison. Then there was a fly-wheel for raising water, which was no hard labour for military men. In the Cold-Bath-fields, on the contrary—which he had also visited—the prisoners worked severely. Thus, if a court-martial sentenced a man to hard labour, and he was sent to the Penitentiary, their object was, in a great degree, defeated. He was, however, satisfied of this, that if the noble Lord would establish a uniformity of practice with regard to military offenders, he would do away with the cruel torture of flogging. He had taken a lively interest in the management of prisons, and he thought the punishment of women on the treadmill ought to be abolished. No man, who had not witnessed the effects of that punishment, could judge of it. He had watched the working of the treadmill on a day in March last, and stopped till the men upon it were relieved. Every man, as he came off the wheel (and many of them very hearty able-bodied persons), immediately sat himself down, and commenced wiping the sweat from his brow, though it was an extremely cold day. He mentioned this fact to show, that the labour on the treadwheel was very severe, and, therefore, he wished it done away with in the case of women. He found that the crimes, generally speaking, of which women had been convicted, were shop-lifting, receiving stolen goods, and passing bad coin. These were all crimes of a very grave nature, yet he did not think that many of these individuals' characters were to be held in so degraded a light as those of men who had been committed for housebreaking, attended, in many instances, with maltreatment of persons. He found, by various reports on the subject of prisons in

America, the practice prevailed of making each prison support itself by the work done by the prisoners; and those persons who contracted to feed the prisoners, took care that they attended to their work. Let there be but one uniform line of punishment throughout the whole country for military offenders, and let the soldier be made aware of the exact punishment which would be awarded for each particular offence. It would be also productive of advantage, that in case of courts-martial the officers composing them should be aware what prisons were set apart for the separate confinement of military offenders.

Lord *John Russell* concurred in some of the suggestions thrown out by the gallant officer, particularly as to that respecting a uniformity of sentence in cases of similar military offence. He had intended to meet the difficulties of the case by the introduction of a bill limiting a particular prison, or part of a prison, to the purpose of confining military offenders under the superintendence of a suitable inspector, the whole, at the same time, to be subject to the control of the gaoler in chief. With reference to the suggestions thrown out in favour of the prison discipline in the gaols of the United States, he must say he would never lend his influence to sanction a system of such extreme severity as that adopted by the American Government in this respect. He was not at all disposed, though favourable to the separate system after conviction, to build a prison upon the plan of the Commissioners, for the use of the city of London, although they were not of themselves likely to adopt the resolution to build one upon that plan. He was extremely anxious to effect some valuable improvement in the discipline of prisons; but he would not, by proposing a system which must be very costly in the experiment, raise an alarm and opposition that might defeat the benevolent objects which he trusted were yet attainable.

Motion agreed to, and leave given to bring in the Bill.

JUVENILE OFFENDERS.] Lord John Russell proceeded to move for leave to bring in a Bill for establishing a prison for Juvenile Offenders.

Sir *Eardley Wilmot* said, it was evident that the object of the noble Lord, in making this proposition, was to secure young offenders from the contamination to which they were at present exposed by being shut up in the same prison with old and hardened criminals. It appeared to him, however, that to erect any prison for juvenile offenders was totally unnecessary for the accomplishment of that object. What he strongly recommended was, to try the effect on young offenders of summary conviction and summary punishment. If such a system were adopted, he was persuaded, that the amount of crime in the country, instead of increasing, as it had recently done, would soon greatly diminish. Boys were now sent to gaols, where they were taught to consider the crime which they had committed as a mere "lark;" and they came out much worse in point of moral feeling. In the county for which he had the honour of being a Member, there was an asylum to which boys charged with offences were sent, for the purpose of endeavouring to reform them; and although the experiment was not always successful, it was a satisfactory fact, that at least a quarter of those who were sent came out perfectly reformed. Now, he thought, it might be expedient to consider how far it would be well to extend such a system; and to warrant the magistrates, in the case of young offenders, to overlook the felony and to send them to similar asylums. They would then entirely escape the contamination of a gaol. Those to whom he had alluded, and on whom an effectual reform had been worked, had afterwards been observed; and it was found, that they acquitted themselves with perfect correctness in the different situations in which they were placed. He, himself, knew one of those boys who was now a principal clerk in a banking establishment. If some such plan as that could be carried into general effect, it would, in his opinion, do infinitely more good than committing young offenders to a common prison. He was persuaded, that the whole country, from one end of it to the other, would be unanimous in trying the experiment; and he besought the noble Lord to apply himself to that and other means, not of curing, but of preventing the evil of extensive crime. If the noble Lord did so, he would well deserve the best thanks of the country.

Mr. *A. Chapman* begged to call the attention of the noble Lord to the fact that much of the delinquency of young offenders arose from their not being able to obtain employment at a time when they were most inclined to activity and disliked idleness; and this want of employment was owing to the combination of workmen, who prevented their masters from taking more than a certain number of apprentices.

Mr. *Gibson* would observe, that the inspectors of prisons had said, that prison discipline would be of little use to juvenile offenders, unless they were furnished with some resource of which they might avail themselves in obtaining a livelihood after their discharge, for they were immediately besieged by their old acquaintances, and without such resource they would soon return to their old habits. To think of effecting a perfect reformation was visionary; but it was only right to provide some resources of gaining a subsistence for those who had been confined, many of whom were abandoned by their parents, or were orphans, deserted by their friends, and in his opinion it would be best secured by some system of voluntary emigration. He thought well of the asylum of Captain Brenton, at Hackney-wick, where there was not the degradation of the treadmill; but in spite of all those excellent regulations, unless some kind of emigration were adopted, the children confined there would return to their old habits on being discharged. Children who had been in gaol found themselves proscribed: they had lost their characters, and the only means they had of gaining a livelihood was in the colonies. He hoped the noble Lord (J. Russell) would be prepared to carry out the suggestion of the inspectors of prisons, for he thought that the only method of rendering the reform of prisoners at all permanent.

Lord *J. Russell* said, that since the hon. Member had alluded to the inspectors of prisons, he must state what he had intended to state at a later period of the bill. He agreed with them in what they had said respecting juvenile offenders, but it was clear that the condition of their pardon should be, that after their confinement in an asylum they should emigrate or be removed to some colony which was not a penal settlement. He had been some time in attempting a scheme of this kind after considering what had been done hitherto by Captain Brenton and others, and he had been in communication with individuals in the colonies who were willing to take such apprentices. If it were done to a certain extent by Government, great advantages would be obtained but if large numbers were sent out, the feeling of the colonies would be against it, as giving to them a penal character, and they would object to receive a part of our population who were tainted by crime, and disgraced by the sentence of a jury. He agreed with all who treated the subject as totally different with respect to the trial and subsequent treatment of children from that of adults, inasmuch as the former were of an age not old enough to discern as to the offences they committed; whilst the latter are generally persons who had a tendency to crime, and when they came out of gaol were so attached to it, that with the heavy stain on their characters, they fell back into their former practices. But with respect to many of these children, he had no reason to say, that they were worse than others, except from the education given them by their parents to make their crimes a source of profit to themselves. It happened too often in voluntary asylums that when the juvenile offenders were discharged, some parent, or relative, or person belonging to them, took them and held out every inducement, such as food, &c., which children could not resist, if they would persist in crime, and make it a source of profit to their employers. With regard to numbers of them, if they could be removed to such asylums as that at Parkhouse, and be taught to follow some occupations, they might then emigrate to the colonies, and effectual reformation might take place. But he was not very sanguine as to the reformation of adults; he had only hoped to succeed with those who were under a certain age. As to what the hon. Member for Warwick had said, he felt considerable difficulty upon measures of that sort, and he was therefore unwilling to risk any attempt, though he was anxious to see something of the kind established. A difficulty had been lately raised, for it had recently happened to him to receive recommendations from the Recorder, the Chairmen of Quarter Sessions, and others, that certain children should be confined in the Penitentiary, as they considered the country prisons too bad for them, and he had accordingly been induced to send them thither; but, at the same time, he must say that he did not think it a fit place for those of a tender age, for although the labour was light, yet they had not opportunities of exercise and of out-door work. On this account, therefore, he wished to see established such places as that in the Isle of Wight, where those who where confined might follow some occupation that would influence their future life, prepare them for an industrious course, and render them free from those inducements which led to the commission of crime.

Sir *R. Peel* said, that it was possible to make a great improvement in the punishment of juvenile offenders before their conviction. He thought the project of the noble Lord was very satisfactory, but at the same time it did not go far enough to remedy the evil. In his opinion, the great evil arose from the confinement of these juvenile offenders in prison, and that the real contamination was acquired before their trial; but, at the same time, it was impossible not to see, that a great difficulty interposed to a satisfactory arrangement. He entirely concurred in the principle laid down by the hon. Baronet (Sir E. Wilmot), and thought it most important that some reform should be made, that these young offenders might be saved from the contamination of a prison. It might be difficult to consider whether there should be a new jurisdiction to which they should submit the trials of juvenile offenders; but it was only by contemplating it that they could hope to discover the means of effecting it. If they agreed that it could be done, the age of the offender must be ascertained before the trial; but supposing twelve years of age to be the limit, it might then be said that they were depriving juvenile offenders of the advantages of a jury which older delinquents possessed; and besides this, the plea might be urged that they were above the age prescribed, in which case there would be great difficulty in ascertaining the truth. Now it seemed to be always thought that juvenile offenders committed only small offences; but this was, in his opinion, a great mistake, for amongst that class there were some of the most formidable villains with which honesty had to contend. The best way to treat a majority of them was to hand them over to a summary jurisdiction and save them from gaol; but then, if such a jurisdiction could be provided, it would be said that there was no reason why every case should not be submitted to it. It would be said too, that there was not a publicity of trial, or the advantages of a jury, and that juvenile offenders were not entitled to the same advantage as older ones. He wished it was possible to effect a distinction between those boys who were guilty of slight pilfering and others who had committed greater offences but this was the difficulty of the case. It would have been satisfactory to hear from the noble Lord (J. Russell) that with his advantages of official experience he saw his way clearly through this difficulty, and that with the hon. Member for Warwick, who had had great experience as a magistrate, he could propose some remedy of the existing abuse, by which he would confer a great obligation on the country, and insure an impartial administration of justice.

Mr. *Hume* said, that if society took as much pains to prevent crime as it did to punish crime, the advantage would soon be evident. At present, one-half of the money that was spent in punishing crime would educate and train up the children who committed it, and thereby prevent it. He had heard it over and over again stated that there was no question of so much importance as a system of education, and yet it continued untried. Surrounded as children now were with all kinds of allurement to idleness and crime, was it fair to expect any other result than that which was actually met with?

Mr. *Hawes* said, that the Bill was valuable as far as it went, but that it would have been better had it contained a provision for young offenders after their discharge from punishment.

Mr. *Yates* thought, that the experiment of sending juvenile offenders as emigrants to the colonies had been successful with reference to those who were under fourteen years of age. He rejoiced at the plan which had just been explained to the House by the noble Lord, and he hoped that every county in England would have the benefit of its operation.

Leave given.

ELECTION PETITIONS.] Sir *Robert Peel*, in undertaking to consider an amendment of the law with reference to the trial of controverted Election Petitions, had taken the course which most probably any other person would have pursued under similar circumstances, and had considered the whole process adopted with respect to election petitions from the first step to the last—from the original entering into recognizances to the final taxation of costs consequent upon the termination of the inquiry. In the course of considering the progress of such a proceeding it appeared to him that there were obscurities in the law which ought to be cleared up, and which he thought might be cleared up without much difficulty—cleared up, too, in such a way as to lead to a considerable diminution of the uncertainty as well as the expense consequent upon the present mode of proceeding. He thought, that the motion with which he should conclude would not in any way interfere with any other measure that might be in the contemplation of the House; because whatever tribunal the House might think proper to appoint for the trial of controverted elections, he believed there would still remain an equal necessity for improving the law respecting the entering into recognizances and the taxation of costs. Whether the tribunal which was to have the power of deciding upon controverted elections were to be a tribunal selected from the Members of that House, or whether it were to be composed of persons who had no direct connexion with Parliament, he apprehended that some recognizances would always be required in cases where petitions were lodged against the return of any of the Members of the House. In that case his motion would be useful, because it would tend to amend and improve the law upon a point upon which it was at present decidedly defective. He avowed at the outset that his great object in proposing the appointment of a select Committee respecting the costs and recognizances incidental to the trial of controverted election petitions would be to diminish, if possible, the chance of an appeal to the House itself. These were subordinate matters, and comparatively of very minor importance, but they were matters quite unfit for the consideration of a popular assembly, biassed in a considerable degree as such an assembly must at all times be by party feeling and party spirit. If they could so clear the law that there should be no necessity for an appeal to the House with regard to the subordinate points of the sufficiency of security, or the extension of time, they would advance, he thought materially in diminishing the influence of party spirit upon the subsequent proceedings. In entering upon this subject he felt it to be absolutely necessary, from considerations both of policy and justice, to divest his argument of every vestige of party spirit, and to throw out no reflections that might be distasteful to gentlemen on either side of the House; but he thought he might venture to say, that all who recollected the discussions which had taken place upon the Pontefract, Bodmin, Dublin, Ipswich, Sligo, and Portarlington election petitions in the course of the present Session—all who recollected the debates and decisions which had been come to by the House upon those cases—would admit, that it must be desirable to prevent, if possible, the necessity of an appeal to the whole body of the House. He thought they might do so, by clearing off some of the obscurities which at present blemished the statute of 9th George 1st, by which these proceedings were regulated. He wished it to be observed, that he confined his motion exclusively to the recognizances and to the taxation of costs. The law provided, that the recognizances should be entered into before the Speaker, but left it uncertain as to whether the sufficiency of the security should be established before the recognizances were entered into, or whether the inquiry upon that point might not be entered into afterwards. Out of this doubt many difficulties had arisen. In the course of the present Session a case occurred in which the surety, wishing to give his recognizance, but, at the same time, foreseeing that it would not be convenient to him to be called upon to establish his sufficiency, applied to the Speaker to receive his security, leaving it afterwards to be determined whether that security were sufficient or not. The Speaker most properly refused to accede to the request; but the very circumstance of the application being made, showed that the law upon the point was equivocal, and, therefore, required to be amended. He thought it most advisable that some short enactment should be introduced to clear up all doubt upon the subject, or that those who hereafter would have to determine upon these subordinate points might do so without the necessity of appealing to the body of the House. A simplification of the law, a clear manifestation of the intention of the Legislature upon these minor points, would be attended with great advantage to those who intended honestly, and would also have a great tendency to diminish unnecessary expense. One of the most painful discussions they had had in the course of the present Session was that which arose out of the Pontefract case. The law required not only that the sufficiency of the surety should be ascertained by examination—not only, that the place of residence, should be given for the purpose of ascertaining who the party was—but it also required that "additions" to the name and residence should be given. Surely this was unnecessary. If the name were known, and the place of residence known, what necessity could there be for requiring "additions?" In the Pontefract case, all the difficulty arose out of the question, whether a tradesman residing in the Regent's-park could properly be called a gentleman or not. Long and angry discussions oftentimes arose out of petty points of that description—discussions which amounted to nothing more than a waste of the public time, and which almost invariably ended without affording satisfaction to either party. It was most desirable that the law should be so simplified as to prevent a recurrence of them for the future. Another point for the consideration of the Select Committee would be the defective form of the recognizance. It had been clearly proved that the form of the recognizance, as at present drawn, was defective, and, consequently, liable to raise disputes. This ought to be remedied. Then some difficulty, or some inconvenience had of late years arisen with respect to the payment of the Master in Chancery for the duty he had to perform with respect to election petitions. By an Act of Parliament, passed at the instance of Lord Brougham, Masters in Chancery were, he believed, prevented from taking any fee. The law upon that point ought to be cleared up. If it were the intention of the House that the duty which the Masters in Chancery had to perform, with respect to election petitions, should be continued, some provision ought to be made to remove all doubt as to the manner in which they were to be paid. He trusted, that the House would be of opinion with him that some advantage would result from a careful revision of all these points by a Select Committee. The other point to which he should wish to direct the attention of the Committee would be the taxation of costs. There were two main heads with respect to the costs of election petitions:—First, the legal expenses, being the expenses of solicitors and counsel; second, the expenses of witnesses. It was of very great importance to witnesses that an early decision should be come to with respect to the sums which they were to receive. The law provided, that, unless the parties agreed between themselves, the taxation of costs should be referred to an officer of that House, or to one of the Masters in Chancery; and if the parties did not agree, the process of taxing the costs was found to be very expensive. The fees were considerable; but it was only right that he should mention that, as far as the taxing bills of witnesses went, the expense had of late been very much diminished by enabling the parties, if they both agreed, to refer the matter to an officer of the House. Since that arrangement had been entered into, the proportion of cases referred to the officer of the House was very great as compared with the cases referred to the Master in Chancery. Taking advantage of the experience which had thus been afforded to them, he thought they might devise a plan by which these expenses might be still further diminished. An officer had lately been appointed to decide upon the expenses connected with private bills. He believed, that that officer had discharged his duty most satisfactorily to all the parties immediately concerned, and with great advantage to the public. He (Sir R. Peel) wished, therefore, to throw it out for consideration whether, as they had such an officer appointed, whose time could not be fully occupied in determining the expenses of private bills, it might not be well to make him the judge in all matters of expense connected with election petitions. He (Sir R. Peel) thought, that much advantage would result from employing a person acting under the general direction of the Speaker, with the power of appealing to the Speaker upon matters of doubt, and responsible for the decision to which he might come. He thought, too, it might also be fitting for the House to consider whether some new arrangement might not be made with respect to the payment of costs. At present, the costs were not paid by the parties presenting the petition, unless the petition was pronounced by the Committee to be frivolous and vexatious. He (Sir Robert Peel) thought it might very well be open for consideration, whether a report from the Committee, that there was no "probable or reasonable ground" for the petition might not be sufficient to impose upon the petitioners the payment of the costs. He wished the Select Committee to enter only into an inquiry upon these subordinate matters. He was induced to move for the appointment of such a Committee, because he felt satisfied, that no partial amendment of the present system —no inquiry which did not embrace the whole of the proceedings upon election petitions—could possibly be satisfactory. He was anxious, therefore, that this Committee should be appointed for the purpose of ascertaining whether the obscurities which existed in the law with respect to these subordinate matters, might not be cleared up previous to his bringing in the Bill of which he had given notice that evening, and which he should introduce on the 11th of May. The right hon. Baronet concluded by moving, "that a Select Committee be appointed to consider the law and practice relating to the entering into recognizances, and the payment of costs in the matter of election petitions, and to report their observations thereupon to the House."

Viscount *Howick* entirely concurred with the right hon. Baronet opposite in the expediency of devising some plan for rendering the proceedings arising out of contested elections more simple, and for removing those doubts which existed in regard to the law as it now stood. He was sure, all must have felt the necessity of preventing, by a simpler mode of proceeding, those appeals to the House collectively, which had been so common during the present Session, and the House, and the country, were deeply obliged to the right hon. Baronet for having devoted his attention to this important subject. The right hon. Baronet would recollect, that an hon. and learned Member of that House, who had left the country for the present, had introduced a measure in the early part of the Session for the improvement of the tribunal for the trial of contested elections, several clauses of which were intended to remedy some of those evils to which the right hon. Baronet had alluded. The provisions of that bill were worthy of the consideration of the Committee which had been moved for, and he trusted their attention would be directed to the measure. By the bill of his hon. and learned Friend it was proposed, in order to prevent the presentation of frivolous or vexatious petitions, yet, at the same time, to throw no obstacle in the way of those which were well founded, that a deposit should be made before any proceedings took place in relation to any contested election. He thought this was a point worthy of the consideration of the Committee, and he had only risen to express a hope, that it would be attended to, and to give his cordial support to the motion of the right hon. Baronet.

Motion agreed to; the Committee to be nominated on a future day.

STANDING ORDERS—PRIVATE BILLS.] Mr. *S. Lefevre*, in rising to make the motion of which he had given notice, felt it his duty to state to the House, that it was not his intention to propose, that the Committee which he asked for, should revise all the standing orders of the House. The Committee which had sat last Session, had gone over the whole of them, and introduced many important improvements, so that it was not necessary to go again into the whole subject. The new standing orders, the result of the labours of the Committee of last Session, had worked so well, that although upwards of 150 private bills had been introduced during the present Session, there were only three points in reference to those bills, in regard to which any doubts had arisen. His object, therefore, in moving for the appointment of a Committee, was to have those points examined, so as to remove all doubts which existed in regard to the construction of the orders of the House. There was, however, another point to which he proposed the attention of the Committee should be directed. Material differences existed between the standing orders of the House of Lords, and the standing orders of the House of Commons, and he wished to assimilate them to each other. In regard to railways, the standing orders of the House of Commons required the parties to give notice of their intention to apply to Parliament for a bill in the months of February and March, but by the standing orders of the House of Lords, notice was required to be given at two different periods; and in consequence of this disagreement between the orders of the two Houses, great inconvenience was entailed upon the parties applying for bills. It was therefore important, that the orders of the two Houses of Parliament should be assimilated on this point, and he proposed, that the attention of the Committee should be directed to that object. He therefore begged leave to move, that a Select Committee be appointed to consider the standing orders of the House of Commons relating to private bills, and to compare them with those of the House of Lords, with the view of assimilating as much as possible the standing orders of both Houses.

Mr. *Hume* said, that when private bills, which had been sent up from that House, were brought down from the House of Lords, clauses were often found added, many of which he considered were useless; yet they were given to understand, that unless they were consented to by the Commons, the bills would not pass the House of Lords. He thought it worth while for the Committee to inquire whether something might not be done to remedy this evil.

Mr. *Poulett Thomson* was very glad that something was to be done to remedy the evils which arose from the difficulty of construing some of the standing orders of the House. After what had been done by former Committees, he believed, that the standing orders were now nearly in a perfect state, and that little remained to be done but to remove the doubts which existed as to the construction of a few of them. In regard to the differences which existed between the standing orders of the two Houses, he was most anxious that those differences should be removed, but, at the same time, he was unwilling to depart from the order of 1836 in regard to notices of private bills. He thought it important, that that order should continue in force, and that the notices should be still given in February and March, and he did not doubt, that the House of Lords would, when the matter was fairly represented, consent to assimilate their orders to those of the House of Commons on this point. He was perfectly willing to assent to the appointment of a Committee, and he would do everything in his power to render its labours effectual. With regard to what had fallen from the hon. Member for Kilkenny, he was unable to say anything in regard to the clauses to which the hon. Member had alluded; but, as the subject had been mentioned, he could not forbear giving his testimony to the admirable way in which the private business was conducted in the other House by the noble Lord, the Chairman of Committees. But for the care which that noble Lord bestowed upon the private business of Parliament, they would have a great deal of legislation in no way creditable to that House. It was not right, however, that the House of Commons should depend on a noble Lord in another place for correcting their errors, and he should be glad if any means could be devised for remedying the defect.

Mr. *Ward* said, that the difference between the standing orders of the two Houses in regard to the periods for giving notice of any application to Parliament for private bills had given rise to great difficulties, and been productive of much inconvenience to those parties who had embarked in great and important undertakings. He therefore trusted, that the result of the labours of the Committee would be to assimilate the orders of the two Houses so as to prevent the possibility of any inconvenience for the future.

Motion agreed to. Committee to be nominated on a future day.

JOINT-STOCK BANKS.] The *Chancellor of the Exchequer*, in moving for the re-appointment of the Committee on Joint-stock Banks, reminded the House of the circumstances under which that Committee had originated; and that it was not at all intended to be a Committee adverse to Joint-stock banking companies, but to inquire into the existing state of the law with a view to the improvement of the system. The Committee pursued their labours with great pains and industry during the first year, and the several members thereof were indefatigable in the discharge of their duty. It was revived in the course of last year, but owing to the circumstances which led to the close of the Session, no report was made. He moved for the revival of the Committee in the same spirit that he originally proposed it. The subjects for inquiry were the same—namely, the state of Joint-stock banks; the relation between those banks and the public; the transactions of the Bank of England in connexion with the several branch banks in this country; the effect they might produce on the circulation, and their bearing on the whole system of Joint-stock banks. The House had provided a remedy for the case of difficulty which had arisen in consequence of clergymen holding shares in Joint-stock banks; but that remedy was only temporary, because it was deemed inconvenient and injudicious to attempt to settle the question by piecemeal. That point, therefore, was reserved for consideration. In fact the object of his present motion was merely to cause the resumption of a task which was still incomplete. His hon. Friend, the Member for Kilkenny, had given notice that he would move to add to the end of the motion, the words, "also into the state of banking in England generally, the fluctuations in the amount of currency, and the causes thereof, since December, 1833." He would suggest to his hon. Friend, as he did on a former occasion, the propriety of bringing on his amendment on a future day in the shape of an instruction to the Committee. He would not say a single word now on the merits of that proposition, because he thought it would lead to no result if he entered partially into such an important discussion, but he would simply observe, that many hon. Gentlemen who were disposed to take part in it were not present. He would, therefore, first move for the appointment of the Committee, and he would take care to settle with his hon. Friend the day on which his proposition should be brought forward.

Motion agreed to. Committee to be nominated on a subsequent day.

HOUSE OF LORDS,

Friday, April 27, 1838.

Minutes.] Petitions presented. By the Earl of Roseberry, from Queensferry, Glasgow, and another place in Scotland, against any grant of money for Church Accommodation.—By Lord Dacre, from Royston, for a reduction of the rate of Postage; and from a place in Leicestershire, for the total extinction of Negro Slavery.—By the Earl of Harewood, from places in Yorkshire, for an alteration in the Factories' Act.—By Lord Portman, from Swansea, Chard, and several other places, by the Marquess of Sligo, from Howick, Chapplebar, Ochterader, and other places, for the immediate abolition of Negro Slavery; and from a parish in the county of Meath, for an alteration of the Irish Grand Jury Law.—By the Marquess of Lansdowne, from the publishers and booksellers of the metropolis, for the protection of copyright against foreign piracy.—By Earl Brownlow, from the Guardians of the Grantham Union, in favour of the New Poor-law Bill.—By the Bishop of London, from clergymen of his diocese, against the employment of Christians at the religious ceremonies of Hindoos and Mahometans in India; and from the clergy of the diocese of Clogher, against the Irish system of National Education.

Legal Adviser — Canada.] The Earl of *Winchilsea* was desirous of asking the noble Viscount a question which would be very easily answered. He had seen in a newspaper of that morning, that a legal adviser had been appointed for the governor-general of Canada. Now, he (Lord Winchilsea) begged to know whether the individual mentioned in that paragraph was not the same individual who had been at their Lordships' bar three or four years ago in a case of shameful adultery? He hoped that the public journal to which he had alluded was in error in reporting that the appointment was made.

Viscount *Melbourne* said, it had been arranged, in the first instance, that a legal adviser should be appointed to assist Lord Durham; but, upon reconsideration, it was decided otherwise, and no appointment took place.

The Earl of *Winchilsea* was glad to hear what the noble Viscount had stated, and he was sure it would be received with satisfaction.

Subject dropped.

HOUSE OF COMMONS,

Friday, April 27, 1838.

Minutes.] Bill. Read a second time:—Consolidated Fund.

Petitions presented. By Mr. P. Howard, from Carlisle, against a grant of public money to the Established Church of Scotland.—By Mr. Brotherton, from Salford, to extend the system of Bonded Warehouses to that town.—By Mr. A. Smith, from the Hertford Union, in favour of the Bill for rating *5l.* Tenements.—By Mr. Aglionby, from the Brewers of Cockermouth, against the importation of Manx Beer free of duty.—By Mr. Yorke, from Royston, for a reduction of Postage.—By Colonel Conolly, from the Clergy of Rafoe, and from Kilkargick, for an alteration in the present system of Religious Education in Ireland; and from the Methodists of Donegal, for the immediate termination of Negro Slavery.—By Mr. W. Duncombe, from a parish in the county of York, against the alienation of Church Property.—By Mr. G. Wood, from the Compositors of Kendal, against the Copyright Bill.—By Sir G. Strickland, from different places in Yorkshire and Huntingdonshire, by Mr. W. Duncombe, from the North Riding of Yorkshire, by the Attorney-General, from the Friends of Edinburgh, and by Mr. Bethell, from Ladies of Hull, for the Immediate Abolition of Negro Slavery.—By Sir J. Graham, from parishes in Pembrokeshire, to apply surplus property of the Church to the purposes of Religious Instruction.—By Mr. D. W. Harvey, from Colchester, against the Rating of Tenements Bill.

Supply — Ordnance Estimates.] Sir *H. Vivian*, on moving the Ordnance Estimates, in Committee of Supply, said, that on all former occasions these estimates had been moved by the hon. Member who filled the office of clerk of the Ordnance, but his hon. and gallant Friend, the late clerk of the Ordnance, within a short period, had resigned his seat in that House. That officer was, in fact, the proper person to open those estimates to the House, as the whole of the details connected with them came under his notice; and he feared lest on that account he should not be fully able to answer at once, and in a satisfactory manner, the questions which would probably be put to him, and he must, in that case, request the indulgence of the House; for, as Gentlemen must be aware, he, as master-general of the Ordnance, could not have time to make himself familiar with all the particulars of all the estimates required for the different departments of the service. He must state, at the outset, that the increase in the estimates did not arise from any want of vigilance to enforce economy, but from extraordinary circumstances which had led to increased expenditure. Members would find the first item of increase in the second vote, which was 2,131*l.* more than that of last year. But this increase was merely a transfer of so much from the first vote, the charge of the Dublin commissariat establishment having been moved from the first to the second vote. The next increase above the estimates of last year was of 9,171*l.* upon the regiment of artillery. With respect to this, he wished to state to the House, that in the year 1819 a reduction took place both in the regular army and the artillery, by which the artillery were reduced to eight companies; but while the army had been materially increased since that year, the artillery had experienced no augmentation; yet there were great demands for this corps on foreign stations. No less than 574 men were wanted for foreign service; hence there were left at this time only 321 effective men at Woolwich and were they not assisted by the marines and the rifle brigade, it would be quite impossible to maintain the garrison there. The Duke of Wellington had established a rule that there should be five companies of artillery to relieve the colonies, but these had since been reduced to three companies, and the consequence was, that owing to the detachments sent to Canada and to Bermuda, the former of which had sailed that day, there was not now a single man left to relieve the colonies. Additional men, therefore, were wanting, and must be supplied. After adverting to the increase on the votes for erecting fortifications, and building barracks, the gallant Officer said the article of stores was 15,000*l.* more this year than last, in consequence of an increased demand for small arms. In all other nations alterations had been made to a great extent in small arms, and, as was well known, a Committee had been appointed, and had sat for some time, to consider what alterations it might be expedient to make in the small arms of the English army. He himself was extremely anxious for improvement in this respect, for he thought it most unfair to men who hazarded their lives in battle that they should not have arms on which they could depend. He thought, too, that a better opportunity could not have been found than the present for effecting this alteration, as 900,000 stand of arms which were in store had been reduced of late to a little less than 200,000. When he was in Ireland he had paid great attention to this point, having inspected the arms of each man separately at reviews, and he found that one musket out of five, and sometimes one out of four, missed fire. That, he submitted, was not a fit state for a British soldier's arm to be in. He might mention also, that in most cases the muskets at present used in the army required so strong a pull at the trigger in discharging them as almost certainly to pull them out of the right direction. Under these circumstances, it was impossible that the soldier could feel so confident as he ought to do. The Committee had, therefore, decided on a pattern carbine and a pattern rifle, which he hoped would prove satisfactory. This was the cause of the addition of 15,000*l.* to this estimate. The next item of this vote was for shells, shot, &c. Now he fully agreed with the hon. Member for Kilkenny in many of the objections he was accustomed to urge against the accumulation of stores, and from the moment that he had come into the office he had the honour to hold, he had made every endeavour to enforce this principle with respect to every article of stores, and he must say, that since the year 1815 this had been the practice of the department. Since that date stores to the amount of above 2,000,000*l.* of money had been sold off, and the stores in hand had been in consequence reduced as low as was expedient. The gallant Officer next referred to those items in which there was a decrease of expenditure, and then said, on the whole, there was an increase of 51,205*l.* above the estimates of last year; but the whole amount to be voted this year above last would be 148,708*l.*, in consequence of the receipts from the Treasury not having been so great this year by 97,503*l.* He must repeat, that it had been his great object to reduce the expenditure of the Ordnance ever since he had come to the direction of the establishment, and he wished it to be remarked that since 1830 in the two first articles—that was to say, in the civil departments at the Tower and at Woolwich, no less than 32,000*l.* had been saved. Much had been said in depreciation of the activity and industry with which the department of the Ordnance was conducted, and it was stated, that it ought to undergo considerable reductions, in reference to which he begged to observe, that the business in that department was at present so great, that those who were employed there had almost more to do than they could dispose of. It was only yesterday that the principal clerk in the Board of Works had told him, that however early he rose in the morning, and however late he went to bed, he could hardly, after all, get through his work. It would give some idea of the degree of business in the Master-General's-office if he mentioned that in one year the number of papers and documents which he looked over and made minutes of was 1,500, and the number of letters he answered was 7,000. The minutes of the board occupied 13,673 pages; and there were 36,000 letters received, and 50,000 sent out, in the course of last year. As to what had been alleged of want of economy, he would say, that an establishment in which a saving of 32,000*l.* had been made in one department could not be an uneconomical establishment. In conclusion, he could with truth assure the House that ever since he had had the honour of being appointed to preside over the Ordnance department, it had been his anxious and constant wish and endeavour to reduce the expenditure as much as possible, as far as that could be done consistently with the maintaining of its efficiency. He felt, however, that he should fail in his duty to the House and to the country if he carried the reduction to such an extent as to impair the efficiency of the establishment. He would now move the first vote in the estimates, namely, the grant of a sum of 60,408*l.* for salaries &c., of the civil establishments of the Tower and of Pall-mall.

Mr. *Hume* had been for the last eighteen years recommending a simplification and consolidation of the various departments of the Ordnance, which he was sorry to say had not been attended to. Every article required for the use of the Ordnance department, except, perhaps, guns and muskets, might be supplied by contract annually, the same as in the army, a plan which he contended was much preferable to allowing a mass of articles to be piled up for years in store-houses at an enormous charge to the country for warehouses, keepers, &c. He thought that a department which required at present nearly 60,000*l.* a-year might be as well and as effectively conducted at one-tenth of that sum, if the expenses of storehouses and officers were done away with. Keeping articles in storehouses in large quantities for years was a useless incumbrance to the country, as well by reason of the great expense as of the risk and loss upon perishable articles. This he was glad to perceive was, at length, though reluctantly, admitted by the head of the department. In the army every thing was supplied by annual contract, without the expense of storeroom or the risk of decay and destruction. He should not do justice to preceding Masters-General of the Ordnance if he did not state that a considerable reduction had taken place every year for the last eight or nine years. He thought, however, that it would still admit of much greater reduction. The Duke of Richmond's report, dated February, 1837, recommended a consolidation of the military departments. The recommendations contained in that report had never since received the smallest consideration, much less had they been carried into effect. The report of the Duke of Richmond was signed by Lords Howick, Palmerston, Russell, and others now in office. Why, he asked, did not some one of those noble Lords bring forward a motion for the purpose of carrying the recommendations contained in that report into effect? Their omitting to do so, was downright negligence, and he must say, that if the House of Commons did its duty, which it did not, it would make Ministers do theirs. He was anxious, that the noble Lord, the Secretary at War, should state to the House what the intentions of the Government were respecting the consolidation of the different military departments. He wished to know whether or not it was the intention to place the ordnance and artillery departments under the control of the Commander-in-chief of the Forces, thereby saving the expenses of the board. He was most willing to acknowledge that no army in the world had a better engineer or artillery corps than the British. He wished also to ask the right hon. Gentleman, the Master General of the Ordnance, whether there was any of the Ordnance stores to be supplied by contract, the same as in the army? and whether there was any necessity for having vast numbers of great coats lying idle in storehouses? Might not they be contracted for? If it was found beneficial to the army to contract for clothing, why should it not be equally so for the Ordnance? Nothing, it was true, could be more satisfactory than the manner in which the books of income and expenditure were kept, but still there was no necessity for keeping up so expensive an establishment. He wished also, to know what was to be done about consolidating the departments abroad. The Master General of the Ordnance had made a most important statement, and one well deserving the attention of the House, respecting the state of the muskets in the army. He stated, that not one musket in four, and sometimes in five, was fit for service. What an imputation was that to cast upon the previous management of the department! He had made the same statement before, and its truth was now admitted by no less an authority than that of the Master General of the Ordnance. He recollected having heard when he was in India, that the muskets which were sent out from this country for the use of the army, were frequently without touch holes. The expense of a man was ten times as great as that of a musket, and yet soldiers were constantly exposed to danger and loss of life from the defective condition of their arms. The right hon. Gentleman had informed the House that the number of muskets kept in store had been reduced from 900,000 to 200,000. He was very glad of it, and only wished the remainder had been thrown into the Thames. He was informed that the French and Belgian armies were supplied with arms of an infinitely superior description to those used by the British army. There was no economy in getting a musket for 19*s*. It would be much better to give 40*s*. for a good one. He hoped the Master General of the Ordnance would at once get rid of all the old arms, as no soldier ought to be exposed to the risk of having a defective weapon. Now with respect to the increase that had taken place in our military force, he thought it was not required. The three companies of artillery that had been added, were, in his opinion, unnecessary. The country could do without them, and their addition was the less defensible when the present state of the revenue was considered. He also objected to them, because the circumstances which had occurred, and which were urged as the ground of the increase were brought about by the resolutions which had been agreed to by both Houses on the proposition of Ministers. The right hon. Baronet, the Member for Tamworth, had thrown the blame of the revolt in Canada, on the Ministers, and yet he had voted for those resolutions. Did hon. Members consider, that for the last three years, there had been a progressive increase of expenditure? In 1835, including the interest on the debt and all, the expenditure had been 48,764,000*l.*; in 1836, it increased to 50,749,000*l.*; and last year, it amounted to 51,319,000*l.*, thus showing an increase in the whole expenditure of more than 2,500,000*l.* In every branch of expenditure there had been an increase. The army in 1835, cost 6,400,000*l.*; in 1836, it cost 6,472,000*l.*; in 1837, 6,521,000*l.*; and in the present year it cost more than 7,000,000*l.* The navy cost in 1835, 4,100,000*l.*; in 1836, it amounted to 4,200,000*l.*; in 1837, it cost 4,751,000*l.*; and in the present year there had been a considerable increase. In this year, by the accounts already laid on the table, it appeared that there was an expenditure of 710,000*l.* beyond the income. He stated on a former occasion, that the West-India loan cost the country 24,000,000*l.*; but before the end of the Session he should be able to show, that from the bad management of that loan, the country would have to pay 25,000,000*l.* There was also an increase of the interest of the unfunded debt, though the actual amount of the debt had been diminished. In 1835, when there were 29,000,000*l.* of Exchequer bills out, the interest was not more than 700,000*l.*, but now, when the amount of the unfunded debt had been diminished, the interest was about 900,000*l.* This was caused by bad management on the part of the Government. He had no doubt that 1,000,000*l.* would not cover the difference between the income and expenditure. He did not intend to divide the House on this vote, for it was a farce to go to divisions on matters to which hon. Members did not seem to have given much consideration. Before he sat down he wished to put a question and to ask whether Government had taken any step towards effecting the consolidation of the military departments, to which he had alluded, and whether it was intended to continue the present commander of the forces as at present. As long as Lord Hill continued at the head of the forces, and the Ministers, as at present, possessed no power over the army, there would be no reductions.

Viscount *Howick* said, that the Ministers were not to blame for not carrying into effect the consolidation of the military departments to which the hon. Member had alluded. They admitted, that the present arrangement was defective, but not to the extent which the hon. Member had stated. Whatever was in the power of that officer to effect had been done by the present Master-General of the Ordnance. He admitted, that the system was very defective though, if he were to introduce a bill for its amendment, it would meet with great opposition. The discussion of such a measure would take up a considerable time, and any one who should look at the order-book and see the state of other business in the House must see, that to bring forward such a measure at present would only embarrass the business of the House.

Captain *Boldero* felt called upon to offer a few words on some of the observations which had fallen from the hon. Member for Kilkenny. That hon. Member's reflection upon the noble Lord in the command of the forces, that as long as he (Lord Hill) continued in that command there could be no hope of any reduction, was, to say the least of it, ill-timed. The noble Lord had no more to do with the reductions than the hon. Member for Kilkenny. He had only the distribution of the forces. The reductions were in the department of the Secretary at War. The hon. Member had said, that any increase in the artillery was unnecessary. In that he was much mistaken. Three companies of artillery had been embarked that day, and there were at present not more than 300 effective artillery men at Woolwich, and the duty at the arsenal and the places adjacent required not fewer than eighty sentinels, so that nearly one-third of the men were to be on duty each day; but, taking the casualties, and the fact that some of the men were employed in cooking for the others, it would be seen that the men would be out of bed every other night. In fact, the artillery at Woolwich was in that state, and the duty so severe, that, unless a regiment were sent to assist them, it would be absolutely necessary to increase the force. While the reliefs intended for some of the West-Indian islands would, in all probability, be delayed more than twelve months. The duties of the artillery were of a most arduous nature. They were called upon to act as infantry soldiers, sometimes as cavalry; and they had besides, to devote a large portion of their time to study and to the practice of gunnery. At the Cape of Good Hope there was only one company of artillery, and in order to make the most of that small number, there were only two gunners to each gun, assisted by the natives; so that, if called into action, and the two gunners were wounded, the gun would become useless. He denied, that the stores were superabundant. The artillery and engineers had no staff appointments, which was a great evil, but it proceeded altogether from that spirit of parsimony of which the hon. Member for Kilkenny was so great an advocate. The artillery had not officers enough, and the duty of the few was very severe, they could not claim one day's leave of absence, whilst other officers were frequently allowed three months. There was one point to which he begged leave to draw the attention of the House. Crime had of late considerably decreased in Woolwich, and the punishments now, as compared with former years, was as one to forty. The chief crime prevalent was the sale of necessaries, and he wished that the purchasers could be severely punished.

Sir *Robert Peel*, adverting to the ordnance surveys of the counties of England, observed, that all must concur in thinking that such a work should be completed in as uniform and perfect a state as possible. In his opinion, that could be effected only by having them completed in as short a time as possible. Such extensive alterations were constantly making in the country by the formation of railroads and other projects, that if the completion of the ordnance surveys were spread over thirty or forty years, so far from being uniformly perfect, there would be the greatest inequality in that respect between the maps completed in the early and the maps completed in the latter part of the survey. In his opinion it was a false economy, that would prevent the desirable object of completing the ordnance surveys from being carried into effect with as little delay as possible. He wished to take the present opportunity of asking the noble Lord opposite whether the statement in the public papers, that an application from the Spanish government for a supply of arms, which application was founded on the existing treaty, had been complied with, was true? Adverting to what had fallen from the hon. Member for Kilkenny, he observed, that that hon. Gentleman frequently placed hon. Members who did not wish to see the establishment of the country cut down in a very difficult position. He must be permitted, however, to tell the hon. Member for Kilkenny that he never knew an instance in which the lapse of time had so completely mellowed an opposition to large public expenditure as it had done in that hon. Gentleman's case. He did not know the cause; but the fact was, that the difference of the hon. Gentleman's tone on such questions now, as contrasted with his tone when he (Sir R. Peel) was at the head of the Government, was as great as between a musket primed and loaded and a musket without a touchhole. The hon. Member now "roared like a nightingale." For instance, there was the subject of the mission to Canada. The hon. Member for Kilkenny seemed to consider the proposition of her Majesty's Ministers on that subject a most reasonable one. When he was in office, the hon. Member warmly objected to the allowances proposed to be given to Lord Gosford. But when he (Sir Robert Peel) and his friends expressed their opinion that the allowances which had been given to Lord Gosford were sufficient for Lord Durham, the hon. Member thought very differently, and voted with her Majesty's Ministers on that occasion. It was very hard, when they hoisted the hon. Member's colours, to be thus deserted by him.

Lord *John Russell* would answer the right hon. Baronet's question respecting the arms sent to Spain as correctly as his not being prepared would allow him. A request, founded on the existing treaty, had certainly been some time ago made to her Majesty's Ministers by the Spanish government for 100,000 muskets. It was thought by her Majesty's Government that the application ought to be complied with, and about six months ago the last 50,000 of the 100,000 asked for were sent to Spain. The Spanish government subsequently requested that the remainder of the number for which they had originally applied should be sent to them. The British Government replied, that the whole number of muskets for which the government of Spain had applied had been furnished. Her Majesty's Government considered that the terms of the existing treaty bound them to comply with their request.

Sir *Robert Peel* did not perfectly understand the statement. It appeared one hundred thousand stand of arms had been sent, of which only 50,000 had reached their destination.

Lord *John Russell* repeated, that the last 50,000 of the 100,000 had been sent off about six months ago.

Sir *Robert Peel* observed, that the Spanish government complained that they had received only 50,000.

Lord *John Russell* could only repeat that 100,000 were furnished. The Spanish government certainly represented that 50,000, or some less number, had not reached them.

Sir *Robert Peel:* Perhaps they fell into the hands of Don Carlos.

Sir *Hussey Vivian*, in reply, begged to assure the right hon. Baronet, the Member for Tamworth, that the trigonometrical survey would be completed as soon as possible, but he found that under no circumstances could the maps be made so perfect as the right hon. Gentleman suggested they should be. Those which had been already begun, without laying down the railways which subsequently intersected them, must be finished. With reference to the objections of the hon. Member for Kilkenny, the right hon. and gallant Officer observed that great difficulty was involved in the principle which he sought to establish. The corps of the royal artillery and of the royal engineers were, of course, two scientific corps, and it was not in a day, in a month, or a year, that men could be so trained as to be effective in either service; and, therefore, it was the greatest possible mistake to attempt to reduce their numbers. He thought, to use a homely phrase, that this was being "penny wise and pound foolish." If, at the period of 1793, when the French war began, instead of sending out a miserable body of men—miserable in point of numbers only he meant, because no men could have behaved more gallantly—but if this country had sent forward 25,000 men (as he had said before ten years since), he believed the long and calamitous war which followed might have been avoided. When we had the same game to play in 1815, we raised 30,000 men at once, and by this determined mode of action the battle of Waterloo was gained. Again, to have only young regiments to act upon a sudden opening of hostilities had been found from experience to be a most objectionable system. Young men were soon fit only for hospitals, whilst old regiments bore the fatigue infinitely better. The hon. Member for Kilkenny continually recurred to his favourite period of 1792. The artillery were then between 4,000 and 5,000 strong; they had been since increased to 7,000. But what was the fact? Eleven colonies had since been added to the empire, and the services of 1,400 men were required; and it was impossible to relieve those who were on service in the West Indies. The hon. Member for Kilkenny complained of the amount of stores; and he (Sir Hussey Vivian) had already stated, that he objected to the system, but, at the same time, it was possible to reduce them to too low a scale, and he instanced powder. With respect to great coats, he found they were supplied much cheaper than they could be obtained in another way. He found that the old coats were sold even as a great boon to the poorer classes for about 4*s.* each. Again, where they had stores of every description in all the colonies, &c., it was impossible to do away with the office of storekeeper.

Vote agreed to, as were several others, after a conversation on the advantages to arise from the establishment of libraries for the army, improving military prisons, and providing places in which the soldiers could enjoy recreation and manly exercise, the result of which was, that it was the intention of the Government to supply the different military stations at home and abroad with books for the use of the soldiers.

Captain *Wood* also complained of the exclusion of soldiers from the gardens of the Parks, and said, that he could see no reason why they should not have as free access to those places as any other of her Majesty's subjects.

Lord *J. Russell* stated, that the exclusion had existed since the reign of Charles 2nd, but he saw no reason why it should be continued.

Captain *Boldero* suggested, that establishing savings banks or benefit societies in the army would be advantageous, as by that means men who were discontented with the service would be enabled to lay by as much as would purchase their own discharge.

Lord *John Russell* said, that the commanding officers with whom he had communicated on the subject seemed to disapprove of any proposition of the kind. His own opinion, however, was favourable to any plan which would put the soldier in the way of resuming with advantage to himself habits of industry.

YEOMANRY CAVALRY.] Viscount *Howick* moved, that the sum of 80,280*l.* be granted for defraying the expenses of the volunteer corps for the year ending 31st March next.

Mr. *Hume* said, that as it was his intention to take the sense of the House on the vote, he would state the reasons which induced him to take this course. He had always objected to the yeomanry, because it was a partisan force, and it was one which was not favourably regarded by the public. He knew, that the opinion of some Gentlemen was, that the composition of this force was fair and unexceptionable, and that it comprised individuals of different political opinions; but some corps were entirely Conservative, and he believed, that very few, or none were entirely Liberal. He looked upon every force only as it served to keep the public peace; but he had presented petition after petition complaining that this corps was used for party purposes. The petitioners had no objection to the employment of a regular military force, if such employment were necessary, but they were opposed to any partisan force. The House would doubtless recollect, that a few years ago, he believed it was when the Marquess of Lansdowne was Home Secretary, Government had intended to abolish this force entirely; he was sorry that the House had not now before it the evidence then furnished to the Government of the efficiency of this corps as compared with the militia, but he knew that it was intended to abolish the corps; now, however, a part only was to be disbanded and part was to be kept on foot, and what he wanted to know was, what reason there was why if it was fit to be kept up in one part of the country it was not fit to be kept up in another? His opinion was, that it was not fit to be kept up in any part, and he objected to the vote, because, although the amount was reduced, it was still a waste of the public money. He held, that every force ought to have the approbation of the country generally, and he believed, that this force did not receive that approbation. When he was in Norfolk a few days since, his attention was drawn to a letter of Lord Sondes, who was a major of a volunteer corps, and if her Majesty's Government had not seen it, as it was expressed in terms not very complimentary to them, he would read part of it, expressing at the same time his fear that the feeling of this officer extended to others. The letter was addressed to the officers, non-commissioned officers, and privates of the Norfolk yeomanry corps, and was dated from Elmham Hall, March 28, 1838, and thus commenced:—

"Brother Comrades,—Her Majesty's Government have disbanded a great part of the yeomanry force of the country, troops raised under precisely similar circumstances as our own. Our corps is for the present spared; how long it will be allowed to remain in existence is very doubtful. The Prime Minister said in the House of Lords, a few evenings ago, that the 'establishment of the yeomanry corps took place at a period of emergency, and without any idea of their permanent continuance.' He certainly added, that it was not the intention to make any further reduction 'unless rendered advisable by circumstances.' What these circumstances may be I cannot say, but I may conjecture. I am willing to prove my loyal attachment to the Throne by serving her Majesty; but I will not, as an independent man, subject myself to the capricious and uncertain conduct of the present Administration."

He had thought that the feeling entertained by this nobleman would not have been avowed by others; he had not expected that those with arms in their hands, who professed a willingness to show their attachment to the Throne by serving her Majesty, would have admitted that they would serve only under a Government of one party, and that they would enrol themselves only in support of certain political opinions. [*No, no.*] Hon. Members cried "no," he would therefore again read the paragraph in the letter. "I am willing to prove my loyal attachment to the Throne by serving her Majesty; but I will not, as an independent man, subject myself to the capricious and uncertain conduct of the present Administration." Further than this, the letter went on to say, "I have, therefore, resigned my commission as major-commandant of your corps. Without presuming to influence your conduct, I humbly advise you to do the same, resign, disband yourselves, and do not wait to be dismissed." So that the House could not expect any officer to serve her Majesty and her Government except only when power was held by a certain party. [*No, no.*] Hon. Members might say "no, no!" but they could not deny the letter; they might attempt to explain it away, but deny it they could not. He was surprised that any one should have the assurance to put forward such sentiments, and at any rate this circumstance proved, that these were partisan corps. [*No, no.*] He said, "yes, yes!" Let hon. Members cry "no, no!" till they were tired, the facts would speak for themselves; and he hoped, that Government would support his motion, and not subject themselves to insults such as had been offered to them; and when, if, as he feared many corps partook of this feeling, he thought it was high time to put down the force.

Mr. *Bagge* could not listen in silence to the attacks made by the hon. Member for Kilkenny on a nobleman resident in the county which he had the honour to represent, and he rose to bear willing testimony to the universal satisfaction his conduct had given whilst commanding the corps of yeomanry, and to deny he had held that office with any party view. He was sure the whole body of the independent yeomanry of the country would throw back with contempt the aspersion made on the noble commander by the hon. Member for Kilkenny.

Mr. *Hume* begged to disclaim any personal attack on the noble Lord. Had the hon. Member seen the letter?

Mr. *Bagge:* I have seen the letter, and read it with great satisfaction.

Mr. *Benett*, being probably the oldest member of a yeomanry corps in that House, wished to say a few words. He had served forty years in that force; but having now left it, he had no personal interest in the question. He must, however, repudiate the charge of partisanship; he declared solemnly to the House, that he had never in that force, seen the slightest symptom of partisanship. There was no foundation for the charge which had been made against the yeomanry corps in this country. He lamented that any part of it should be put down, because he considered it a most constitutional force. He spoke as an old Whig when he said, that the militia was the constitutional force of the country. Indeed he was old enough to recollect the time when there was the greatest dread of a standing army. If they gave power to the people of the country, they did not endanger the liberties of the country. The yeomanry had, in his opinion, succeeded the militia as an armed constitutional body, not constituted to be under the control of the magistracy, and not the tools of an arbitrary government, or an arbitrary sovereign, if an arbitrary sovereign or government could be at the present day even supposed. But a new principle of a standing army had been introduced, and he feared that it would be followed up by another, which he dreaded still more—a general police force. Our ancestors dreaded and feared such a force, and though it was true that it was not now to be dreaded and feared as in former times, still he could not but recollect, as an old man, his former fears, and he could not help speaking the ancient prejudices of his party. The old doctrine was, that the people should supply the means of preserving the peace of their own district, and this was just, because then no object would be pursued which was not in unison with the people's feelings. With respect to the vote, he believed that it only amounted to 80,200*l*. for the year, and it was small compared with other votes which were readily passed by the House at all times of the night, and even of the morning; and was it for this paltry saving that they were to endanger the safety of the country, by dispensing with the services of the yeomanry? He had now, owing to private circumstances, left the corps to which he had belonged, and he might, therefore, say, that the Wiltshire yeomanry had performed good service during the riots of 1830, which were of a very serious nature. Agricultural riots were very different from those in manufacturing places: the agricultural labourers were most persevering and active, and yet they were, in Wiltshire, put down by the zeal of the yeomanry corps, almost without bloodshed, only one life having been lost. The corps behaved with great perseverance, and with great leniency towards the parties, and they stopped all the great riots in Wiltshire. That corps was now to be disbanded, which he regretted, as he also regretted that other corps were to be put down. He should always do all in his power to maintain a corps which he believed to be cheap, to be effectual, and to be constitutional. On these grounds he would oppose the motion of the hon. Member for Kilkenny, and he trusted that it would be negatived by a large majority.

Mr. *A. Sanford*, agreed in the observations of the hon. Member for Wiltshire. He thought also that arrangements might be made, by which the same sum might be saved to the country, and yet, that the same number of yeomanry corps should be kept up; such, for instance, as instead of having the whole out every year, calling the different regiments out in successive years. In the county which he had the honour to represent, which had a population of upwards of 400,000 persons, there had not been quartered, for many years, a single troop of regulars: all the duty was performed by the yeomanry corps. It was well worthy consideration, that in that county the peace had been so well preserved, when it was recollected, that in an adjoining district, in which the collieries were situated, the yeomanry had been called out no less than fifty times, for the suppression of different riots. With regard to what had fallen from the hon. Member for Wiltshire in reference to checking the riots in 1830, it was a remarkable circumstance, that at that time the spirit of riot appeared to have passed through the line of counties where the yeomanry had been disbanded, and that it stopped when it arrived at those counties where they were continued. This ought not to be lost sight of; and he deeply regretted that any alteration had taken place, and still more that any further alteration was proposed. He regretted it the more because he knew that the young men who were attached to the yeomanry corps had a feeling of honour in being so employed; and in corroboration of this statement, he would mention to the House an expression which was used in a petition which he had had the honour to present from the men of the corps which he had commanded. They declared that "their feelings as Englishmen, were hurt by the proposed reduction of the yeomanry;" and they came forward, and by a subscription raised themselves into a new troop, which had ever since continued in existence by permission of the Secretary of State. He regretted that he had been compelled to trespass so far on the attention of the House, but his feeling of attachment to his own troop was so great, that he felt, that he could not allow the opportunity to pass without offering some few observations upon the subject.

Mr. *Miles* concurred in the sentiments expressed by his hon. Colleague who had just resumed his seat, and he could corroborate the facts he had stated. He, at the same time, must express his opinion that the course taken by the Government in disbanding single troops was one which could not be defended. In the county which he had the honour to represent, two troops had been disbanded, which had done great good. It was well worth the consideration of Government whether by adopting the plan he had alluded to, Government were not in fact disbanding those troops which were the most useful.

Mr. *Warburton* felt himself bound to give his support to the amendment of the hon. Gentleman, the Member for Kilkenny. The hon. Member for Wiltshire had said, this was as constitutional a force as the militia; but when did the colonel of a militia regiment ever write such a letter as that which had been read this evening in the case of the reduction of his regiment. Was that militia subordination? Was that the submission of the military to the civil power? Was such a thing ever heard as a colonel of militia saying, that he would not continue to hold his commission at the will of any particular administration? He regarded the force, then, as anything but a constitutional force. It appeared to be the feeling that when once the power had been put into the hands of the force, they calculated that they had a right to maintain in their own hands the authority thus given them; and the moment they supposed that, it was time that they should be taught that the civil authority was superior to the military power. He could well understand the use of such a force in time of war, and he thought that at such times it would be highly useful, for all had a common interest in resisting a foreign enemy; but when peace returned, he was prepared to contend, that it was not desirable or wise in times of popular excitement to call out one portion or branch of the population against some other branch. Had the House forgotten, that it was this very mode of quelling excitement that had given rise to so much dissatisfaction already? Did they not remember that there were many instances of the kind, or had they forgotten the riots at Manchester? Had they forgotten the particular degree of excitement produced by the calling out of one portion of the population against another portion, all being friends or neighbours, as the yeomanry were to the people of this country? The general evil was admitted throughout the whole of the discussions on the Canada question, and it was universally admitted, that the duty of quelling such disturbances should be intrusted to the executive Government. He thought it was important for every class in the country that the yeomanry should be disbanded, and that the suppression of every tumult approaching the nature of riot should be intrusted to the executive. For these reasons, he felt himself bound to support the amendment of his hon. Friend.

Mr. *Williams Wynn* was of opinion that the liberty and interests of this country would be ill consulted by the disbanding of the yeomanry corps. The hon. Member for Bridport, who had last spoken, said, that it was not advisable to call out one portion of the population against another, but that an appeal should be made to military force. Was that hon. Member, then, prepared to give his sanction to an augmentation of the military force of the country? For he was quite sure that such a step would be necessary in the event of the amendment of the hon. Member for Kilkenny being carried, in order that the riots which from time to time arose might be subdued. He was old enough to remember what took place in the year 1791. At that time those disgraceful riots took place in Birmingham, when the mob were in possession of the town for nearly a week, and when all the power which the magistrates could put in force failed to put an end to the dreadful scenes which occurred. The magistrates were compelled to degrade themselves, using supplications to the mob, and addressing them, as friends and fellow churchmen, praying them to discontinue their illegal acts, and to burn no more houses, for there was no military force which could be immediately resorted to for the security of the public peace.

The military were called on, it was true, but they were at such a distance that in order that they should reach Birmingham they were obliged to march fifty-nine miles in one day before they could reach the spot. Now, from the establishment of the yeomanry in 1794 to the present day, how infinitely less of riot and disturbance had taken place, notwithstanding the arts which had been industriously used to incite the public mind. He never would admit, however, that the advantages to be derived from the yeomanry were to be measured by the riots which they had put down, because he was confident that the benefits produced by their existence was not confined to that alone. There were many cases within his own knowledge, when the simple fact of the yeomanry being within reach had had the effect of preserving the peace. Some hon. Gentlemen had referred to the former reduction which had taken place. Now, being the only Member of the House present who was a Member of the Government of Lord Goderich, he might be permitted to say, that although he deeply regretted, that the measure had then been adopted, yet that no such plan as that which had been referred to, as the general abolition of the yeomanry, was suggested or hinted at by that Government. At the time Lord Lansdowne held the situation now filled by the noble Lord opposite, the reduction of the several corps of yeomanry was directed, but no such general plan as he had pointed out had ever been entertained. What was the effect of that former reduction, however? That before three years had passed, Lord Melbourne saw the absolute necessity of re-embodying almost every corps which had been disbanded. He regretted the more, therefore, that any further attempt was now made for a further reduction; and it appeared to him that this power of reducing the corps had been exercised with a singular want of judgment, and he would take the case of the counties of Flint and Denbigh as examples. In that part of Wales there was a large proportion of the population employed in mining, a description of persons particularly liable to be excited into riot, and it was not long since a disturbance, which might have assumed a very serious aspect had been quelled by the activity of the yeomanry, who by taking possession of a bridge, prevented the communication of the rioters with the miners in an adjacent district of Shropshire. There were at that time in Flintshire eight troops, and in Denbighshire there were five troops, and these, with the exception of a small troop in Montgomeryshire, were the only corps in North Wales. The Flintshire corps had been disbanded, and the Denbighshire corps, which formerly consisted of 250 men, was ordered to be reduced to three troops, of only twenty-nine privates each, amounting in all to eighty-seven men. He had no difficulty in saying that it would be better even to take away the whole corps than that it should be reduced to such a state of inefficiency, but he also declared that it was of the highest importance that proper and efficient means should be taken to guard against the possibility of riot. Then, with regard to the question of expense, what was the expense attendant upon the support of these corps? When it was considered that the whole cost did not exceed *5l.* 8*s.* per man every year, that is to say *3l.* allowed for clothing and contingencies, and about *2l.* 8*s.* for eight days' duty, he had no hesitation in saying that it would be impossible to provide for the security and peace of the country so cheaply by any other means. It was said, "Disband them now, and then if you want them, raise them again," but this was much more easily said than done; for if their services were required in the parts of the country to which they belonged, and which were exposed to danger of riot and disturbance in the time of peace, and they found that the powers given to them were to be taken from them, it would not be easy to obtain men to act. He was confident that the expense of maintaining a yeomanry force would be much less than that required to support the necessary number of troops. It was said, that when the yeomanry were first raised in 1794 they were intended only as a temporary force. Now he could remember that time, and he could distinctly contradict that assertion; for he knew that its institution and maintenance were considered, both by Mr. Pitt and by Lord Grenville, as useful and desirable; and the late Lord Spencer was one of the first to set the patriotic example to the country of raising a corps. The opinion then entertained was not only that it was desirable that the force should be maintained in war, but that it should be continued in peace; and he remembered that in 1802, at the time of the peace of Amiens, the Secretary at War (Mr. Yorke), in proposing the vote of supply, said that he trusted that the day would never come when the country would cease to look to the yeomanry for defence whether against external invaders or internal rioters. He should vote in favour of the proposition for granting the supply, but at the same time he must express his extreme regret that any part of the force should be reduced. If any inefficiency should arise, he agreed that her Majesty's Government would be justified in making the reduction, but there was no suggestion that that was the ground on which the reduction was proposed.

Sir *E. Knatchbull* hoped, that the Gentlemen at the other side of the House, as this was a question to which great importance was attached in the county to which he belonged, and as he did not often encroach upon the indulgence of the House, would bear with him while he endeavoured to express his opinion upon this subject. The question, as he had said, was one of great importance, and was regarded with a deep and strong feeling throughout the country. It could not fail, therefore, to strike him as a singular thing, that in the course of this debate no explanation had yet been offered by a Minister of the Crown of the reasons for this reduction, although he doubted not that an explanation would be given before the debate closed. He differed from the hon. Members for Kilkenny and Bridport, in the view which they took of this matter, and he was glad that the question now under discussion was not the reduction of the whole yeomanry force, but only of that part of it which her Majesty's Ministers had been advised to cut down. The hon. Member for Bridport had pursued a course which could scarcely be called politic, in endeavouring to revive a discussion which could be attended with no beneficial result—a discussion on the subject of the Manchester riots. He could not hear imputations thrown out against the general body of the yeomanry, however, without doing his utmost to repel the charges, which, he must say, he believed to be unfounded. He believed, that the yeomanry were a constitutional force, and he thought that it would be better that that they should be called out in times of emergency than the militia, and he really believed, that that course would be most consistent with the feelings of the public at large. He, at the same time, fully agreed with the argument of the right hon. Gentleman who had last spoken, that the mere presence of the yeomanry produced a great moral effect in securing peace, and he was confident that it would be an injury to the interests of the country that they should be withdrawn. Not the least offensive part, he must say, of what he must term the offensive conduct of her Majesty's Government was the manner in which, the dismissal of the yeomanry in the county of Kent was made known to them; and he was surprised that no explanation had as yet proceeded from the noble Lord opposite upon that subject. An official letter was written by the noble Lord, the Secretary for the Home Department, to the Lord-Lieutenant of the county of Kent, stating, that for the future the four troops subsisting in that county were to be reduced to three, and to be under the command of the Major and a certain number of captains. He would ask whether this was decently respectful, either to the Lord-Lieutenant himself, or to the noble individual who commanded the force in that county? Was it respectful to Lord Winchilsea, who mainly contributed to the support of the yeomanry force in that county, or to Lord Brecknock, a commander in the force, the son of Lord Camden, to whom the country was so deeply indebted! Was it surprising that this course should have given rise to much indignation? He would now take the liberty of asking her Majesty's Government for an explicit answer to the question —Why had this reduction taken place— why was this affront put upon a most respectable and useful body? The Chancellor of the Exchequer would hardly tell him that it was done from motives of economy; for, although that right hon. Gentleman would doubtless find it a difficult task to introduce his budget to the House, he could scarcely believe, that the mere saving of the sum of 25,000*l.* per annum could have been the inducement; economy, surely, could not have been the motive, when the noble Lord opposite had introduced a Bill for the establishment of a new jurisdiction throughout the counties of England, it being a part of that measure that the expenses of the new court which it proposed to form should be charged upon the county-rates. Any hon. Gentleman considering the provisions of the Bill which the noble Lord had laid upon the table of the House, must come to the conclusion that the sum to be charged by it upon the counties of England would not be less than 40,000*l.* yearly. This was not the first time that a course of this description, with reference to the yeomanry force, was pursued by a Whig Government. When Lord Lansdowne filled the situation which the noble Lord opposite (J. Russell) now held, a similar measure was proposed, and so strong was the sensation excited throughout the country against the measure that it was not persevered in. Of the individuals composing this force there were many who had come forward voluntarily—many at great personal inconvenience and expense. And, looking at the unceremonious manner in which they had been dismissed, he thought that her Majesty's Government had placed themselves in a position of great responsibility. He felt, that the country was placed by them in circumstances of danger; and that if the time should unfortunately arrive when the services of the individuals composing this force might be required, and if they were called on to render those services by the persons now in power, there might be found to exist a great indisposition—he would use no stronger term—to respond to the call proceeding from such a quarter. He would, therefore, decidedly join with those who were desirous for the continuance of this force at the full amount at which it had hitherto existed, in the strong conviction, that to abolish it, while it would be injurious to the Government and to the country at large, would be visiting those who merited a very different treatment with an implied censure which they by no means deserved.

Lord *John Russell* was about to rise after the right hon. Gentleman, the Member for Montgomeryshire, had taken his seat, when the right hon. Gentleman who had last spoken thought proper, at considerable length, to complain of his not having given a full explanation to the House of the circumstances under which this proposition was brought forward, and of the grounds on which it was proposed to be supported. By his remaining still, the right hon. Gentleman had had the advantage of making a long speech on the subject, which he otherwise would hardly have had the opportunity of doing. Respecting very much, as he (Lord John Russell) did, the feelings of his hon. Friends at his own side of the House, who had spoken upon this subject, and likewise respecting the feelings of hon. Gentlemen at the other side, who might be connected with the yeomanry, and admiring the zeal and gallantry which had been shown by those corps in many instances, still he thought it his duty, upon an occasion when the public money was to be voted, to inquire whether the service was of such a nature that the vote would be justified by the financial state of the country. He certainly did not think that, merely for the sake of avoiding any amount of odium which might be incurred, or of shielding himself from the insinuations which had been so plentifully thrown out, he should continue to impose upon the country what was, to a certain extent, a burthen, if he did not think, that there were sufficient reasons to justify its continuance. The right hon. Gentleman who had just sat down had complained of the manner in which this arrangement had been carried into effect. The House had heard, during the course of this night's debate, an extract from the letter of one noble Lord; and he supposed they were perfectly aware of the contents of the letter of another noble Lord connected with Kent upon this subject. He would read to the House the letter which he had written with reference to the reduction of the yeomanry in Kent, in order that the House might be enabled to judge whether there was anything either uncivil or indecorous in the wording of it which could justify the intemperate expressions which were made use of in the two letters to which he referred. He said:—

> "I am further commanded by her Majesty to desire that your Lordship will assure the commanding officer, and request him to communicate to the officers, non-commissioned officers, and privates of their respective corps, that her Majesty is deeply sensible of the zeal and loyalty uniformly displayed by them from the time of their first being called into action down to the present moment, on all occasions when their services have been required; and it is her Majesty's pleasure, as a mark of her royal approbation, that the officers should retain the rank and honours belonging to their respective commissions."

To such a state, continued the noble Lord, had they arrived with respect to the use of language, and so little were his colleagues and himself permitted to employ words to which the charge of harshness might even, in the remotest degree, be affixed, that the language which he had just read to the House was thought most oppressive and liable to censure, while so strong was their adversaries' sense of justice, the letters of Lord Winchilsea and Lord Sondes were pronounced to be models of civility and decorum. It was certainly with some surprise that he had heard it contended by hon. Gentlemen opposite, that the noble Lords were perfectly justified in using the language which they had thought proper to employ. For his own part, he thought that those noble Lords—of one of whom the corps was, he might observe in passing, retained, although the noble Lord had thought proper to resign his commission—in issuing political manifestos of this description, upon learning that those corps were reduced by order of the Crown, and while the men composing those corps had arms in their hands, had shown a very bad example. As far as the individuals from whom those letters proceeded were concerned, it was quite clear, to them no military command should be intrusted. What would any man think of a colonel of militia, or of the major of a regiment of dragoons, upon the occasion of his being informed that his regiment was reduced, in terms complimentary to his regimental zeal, thinking proper to issue a letter to the individuals composing the disbanded regiment, strongly complaining of the conduct of the Government? Having said thus much with regard to the manner of the dismissal, he must now observe that, founding his conviction upon the communications which he had received from various Lord-Lieutenants, he was very far from believing that this spirit was common among the officers of the militia force; and he thought the exception not very happy or creditable. With regard to the proposition of the hon. Member for Kilkenny, it was not necessary that he should make many observations; because the principal attacks of this evening had been made, not upon the ground that this force was not sufficiently reduced, but upon the ground that the reduction should have taken place at all. Entertaining none of the extreme opinions upon either side, he certainly, however, did believe, that this was a force which it was not proper to maintain to the extent to which it had hitherto existed. He thought that much might be said with justice in favour of the yeomanry. In the first place, they had shown great zeal and devotion in coming forward to preserve the peace of the country. They had likewise devoted themselves in a very praiseworthy manner to the acquirement of the proper discipline of military men, unaccustomed as they were to that kind of occupation; and in several instances, the knowledge that there were corps of yeomanry in the country had been found to be useful in controlling persons who might be disposed to riot. But, on the other hand, he did not think, that to resort to their services for that purpose was the most desirable course to pursue. It was impossible for him (Lord John Russell) to give them that character by which his hon. Friend, the Member for Wiltshire, had described them—the character of a constitutional force. He certainly could not compare them with the militia, who were, upon their establishment, as observed by Lord Chatham, to be considered as a force to be employed against a foreign as well as a domestic foe; and who were, in fact, what they had been called by a high military authority, "The great army of reserve of this country." With respect, however, to the yeomanry, it unfortunately happened that their services were generally required (it was, indeed, hardly ever otherwise) for the purpose of putting down riots. They could not be employed as the militia were during the late war, whose services were found to be so beneficial, upon a portion of their force being joined, in a case of emergency, to the regular army. Under present circumstances, also, it was almost impossible that a corps of yeomanry could be called out in any particular district without exciting a great deal of acrimony and animosity. He did not mean to attribute to the persons belonging to those corps any improper feelings, but it was almost unavoidable that when dissensions arose between one class of the population and another class, which gave rise to riots and disturbances, and when this force was supposed to be connected with one of the parties, that it should not create more animosity than the regular army would do in putting down local riots. The right hon. Gentleman had alluded to the riots that occurred at Birmingham in 1791, and also to the use of the yeomanry at the last election for that town. With respect to the last subject, he knew from the officer commanding the yeomanry corps on that occasion, that when the riots took place at the late election the colonel commanding the force remonstrated with the magistrates of the town for calling the yeomanry corps of the immediate neighbourhood into the town of Birmingham, instead of a corps from a greater distance, and not so immediately connected with the place. His hon. Friend, the Member for Somersetshire, complained of the reduction in the number of the yeomanry in the county of Somerset; but the fact was, there was left in that county a body of yeomanry of not less than 1,000 men, and in addition to this, there were large corps of yeomanry in the neighbouring counties. He would put it to the House whether a yeomanry corps of 1,000 men was not sufficient for the maintenance of the peace of a single county. He was, however, of opinion that it was not only expedient, but that it was the duty of the Government to reduce the number of the yeomanry corps in those places where their services were not likely to be required, and also in the neighbourhood of large towns, where they were likely rather to create riots than put them down in cases of disturbance, and when other means existed of preserving the peace. In 1831, when this force was reorganised and called out, there were 18,303 men connected with it. This number had been reduced 4,709 men, and there were left in the force in 1838, 13,594 men. He would ask, was not this force, taken with the regular army, amply sufficient to meet any probable emergency in which their services might be required? For his own part he would rather that any force should be employed in case of local disturbances than the local corps of yeomanry. The House was aware that several local disturbances had taken place in carrying into effect the new Poor-law Act, in which it was necessary to call some military force to the aid of the local authorities; but instead of calling on the yeomanry corps, he had preferred availing himself of the assistance of some other body. When application had been made to him in such cases, he had either gone to the commander-in-chief, and asked for the assistance of some detachment from the regular troops, or he had sent to the Commissioners of metropolitan police to dispatch a portion of that body to aid in suppressing the disturbances. He thought that the regular troops, or the metropolitan police, were better adapted for the suppression of local disturbances than yeomanry corps, or other bodies having local connexions. They could then be withdrawn, and quiet and tranquillity would more speedily follow than if a yeomanry corps were called upon to act in the same service causing heartburnings and dissensions to be directed against the body so employed. His hon. Friend, the Member for Somersetshire, suggested that, instead of suppressing any of the yeomanry corps, a part of the present expense might be saved by not calling them out on permanent duty. He did not think that this would be expedient, for if this body were maintained it was desirable that it should be an efficient force; but it could not be rendered so, unless it was subjected to constant discipline and inspection. He repeated, therefore, if the force was not constantly called out, the best characteristics of the force would be destroyed. What they had then to consider was, whether it was necessary to keep up the whole number of the yeomanry force that was kept up in former years; and he was of opinion, after the most mature consideration that he was able to give to the case, that he was fully justified in recommending the reductions that had been made; at the same time he could not concur with the proposal of the hon. Member for Kilkenny. While on this part of the subject he confessed that he was rather surprised to hear the right hon. Gentleman opposite refer to what he was pleased to call the acts of the Whig Government of 1827. It was new to him to hear the Government of that day stated to be a Whig Government, having at its head, first Mr. Canning, and then Lord Ripon, and of which administration, at least one of the right hon. Gentlemen opposite was a Member. But that Government had reduced the number of the yeomanry to 7,025, while he proposed that that description of force should be kept up to 13,594. He confessed, that he had seen no such letters as had that night been produced and read, and cheered by Gentlemen opposite, respecting the then reduction of this force. That Government was succeeded in the Administration by the Duke of Wellington, who came into office in 1828. That noble Duke did not at that period think it either expedient or necessary to have the yeomanry force kept up to the extent that Gentlemen opposite thought desirable; at the same time, he did not recollect that such letters were then written as had that night been produced. He did not hear hon. Gentlemen opposite complain of the Duke of Wellington having a yeomanry force of only 8,000 men; but it now appeared, that because he proposed a force of only 14,000 men, they could not restrain their indignation. He confessed, that so far from deterring him from pursuing the course which he thought his duty, it led him to the conclusion that there were a great many persons in the country, who considered the yeomanry force as useful to party objects, and which, if the matter had not been put forward in such a violent manner, he never should have thought of. This force, however, had been increased in 1831, by Lord Melbourne, in consequence of particular circumstances, then existing, which had now ceased. Some time ago, it was a matter under consideration whether there should not be some diminution in the number of the cavalry force continued at home, or whether there should be a reduction in the yeomanry force. He hesitated for a long time, but before the question was finally decided as to whether it was expedient or not to diminish the number of the regular cavalry force, it appeared necessary to the Government to send a corps of cavalry to Canada. Under those circumstances, it was not thought expedient to reduce this excellent force. He did not think also, that the force of the infantry was very large in the United Kingdom. Under these circumstances, he did not think it advisable that they should propose so large a vote for the yeomanry as in former years. When the expenses were not unavoidable, he did not think in the present situation of the country, that they should be incurred. If they did not strictly adhere to this principle, he thought that they would justly incur the censure of the hon. Member for Kilkenny, and other hon. Gentlemen. On these grounds, the reduction that had been effected had been made. He was exceedingly sorry that in making these reductions they had excited such a feeling in the country as had been manifested, but they could not consistently with their duty, propose this expense on the country. The right hon. Gentleman alluded to the riots at Birmingham in 1791; but he did not know what these had to do with the subject any more than the riots of 1780. He did not know how these were to be attributable to the want of yeomanry, or how these were connected with the question of the yeomanry. At the period of the riots of Birmingham, there were troops within a short distance, forty miles of the place. He believed, that they did not arrive in time to prevent the disturbances; but there were several troops of cavalry at Nottingham. Before he sat down, he would say, he trusted that the time was not far distant when the means of the country would enable him to propose a vote for a more available and efficient force for the country, and at the same time a more constitutional body—he meant a good militia force. He regretted that they were without the means at present, and he did not think that it would be advisable that a large expenditure should be incurred in the present year; but he thought that a good militia force would be most expedient and most constitutional, and might be indeed a most efficient and valuable body in case of hostilities breaking out with any foreign powers. He had felt it to be his duty to state thus much, he trusted without throwing any stigma on the conduct of the yeomanry, but, of course, it was impossible to satisfy those who were determined to see in any act of the Ministers an attempt to ruin and overturn the constitution of the country; he would, therefore, only say, that they must be allowed to continue to indulge in their visions.

Colonel *Sibthorp* said, that although the noble Lord had just passed so high an eulogium on a militia, he had no doubt it was a measure like many others in which the noble Lord expressed much interest—like, for instance, some of the resolutions which he had so much at heart, or like the budget of the Chancellor of the Exchequer—measures in which the noble Lord was deeply interested, but the period for whose consummation seldom arrived. The noble Lord had spoken of incurring the censure of the hon. Member for Kilkenny; he cared but little for that, and he thought it would be well if the noble Lord cared as little. He (Colonel Sibthorp) disliked the reductions of the noble Lord because they were partial. He found by reference that, in the part of the county in which he resided, a troop had been disbanded, because commanded by an hon. Friend of his, who had been for many years a Member of that House, leaving not a single troop in the neighbourhood. Far different was the case of that part in which a noble Lord resided, whose son he saw opposite, who had done him the honour of alluding to him lately at a public meeting—a reform one of course. The hon. Member had said, that he was in the habit of laying his papers on the table of the House, and fancying himself the leader of the Conservative ranks. He professed himself happy to follow the leader behind whom he sat, and would tell the hon. Member, that he would rather sit behind the right hon. Gentleman, than he would occupy the seat of the hon. Member, although it was in the Ministerial phalanx. In conclusion, he must say, that he had seen enough of the yeomanry to give him a high idea of their services, and that with regard to the present motion of the hon. Member for Kilkenny, he was sorry in opposing it to find himself voting in such company.

Mr. *Mark Philips* felt bound to support the motion of the hon. Member for Kilkenny. He had on one occasion given his vote in favour of the maintenance of the yeomanry force, but he had since found ample reasons for changing his opinion on the subject. All the experience he had since had in the districts with which he was connected, convinced him that the yeomanry force was totally useless for its assigned purpose. The universal feeling throughout the manufacturing counties was entirely adverse to the maintenance of this force. It was highly inexpedient to employ one class of the population of a district in coercing the rest. What had taken place on the occasion of several disturbances in various parts of the country, showed that the force was not always efficient in the suppression of disturbances. Was it the case that the yeomanry had distinguished themselves in suppressing the riots at Bristol? He was convinced, that there would not be the slightest difficulty in keeping the peace of the country, or in putting down disturbances, if the yeomanry were entirely disbanded. Indeed, looking at the manner in which railroads would shortly intersect the whole country, and the great facility besides, of rapid communications with all parts of the kingdom by steam navigation, he was clearly of opinion, not only that the time had arrived for disbanding the whole yeomanry force, but that a considerable reduction might advantageously be made in the standing army.

Mr. *Goulburn* would oppose the motion of the hon. Member for Kilkenny. He considered, that when a reduction of the yeomanry was demanded, the House and the country had a right to require from Government that they should show some distinct grounds for that reduction, and this, not only as a satisfaction to private feelings, but on grounds essentially affecting the main interests of the country. He was well persuaded, that if thoroughly satisfactory reasons could be shown, for the disbanding of this force—if it could be proved, that the public interest required such a measure to be taken—this highly meritorious force would, throughout the kingdom, be as ready to dissolve itself as it had been prompt in offering its best services to the country. The whole ground stated by the noble Lord for the reductions which had been made, was the cost of the service; but the noble Lord as well as the hon. Member ought to know, that it was not always reductions of this sort, which were productive of real economy. Lord Lansdowne, for instance, in 1827, made a reduction in the yeomanry force. What was the consequence? Why that the Government of 1831, a Government composed not of partisans of this force, but whose Secretary of State for the Home Department was the present Premier, found itself under the necessity of imploring the nobility and gentry of England and Scotland, to organise the yeomanry force as before, with this slight difference, that the same force which before 1827, cost 120,000*l.* cost in 1831, 180,000*l.* So much for the economy of the thing. The noble Lord argued that the yeomanry force was not an eligible one to be employed in quelling riots, because of the ill-will which was thereby generally created between neighbours, yet, curiously enough, the noble Lord admitted at the end of his speech, that the noble Lord at the head of the Government had done quite right in calling this improper force again into existence. It was quite unnecessary for him to enter into any justification of the character and conduct of this force. If such justification were required, which was far from the case, it was sufficiently given in the speeches of the hon. Members for Kilkenny and for Bridport themselves, who had nothing to adduce against the body, except what they thought proper to say in reference to the proceedings at Manchester, and to the letter of a single officer of a single corps of yeomanry. Even admitting the conduct of the officer in question to be improper, which he (Mr. Goulburn) in no degree did, it would be outrageous to assert that the whole of this valuable force throughout the kingdom were to be condemned and disbanded, because of the improper conduct of an individual. The noble Lord spoke very complacently of the civility which he had displayed in the terms of his circular, but really, the noble Lord was not to imagine that so highly respectable and meritorious a body, when they saw themselves dismissed in the same way in which one would discharge a drunken menial, would be quite reconciled to such treatment by a few civil words. If a person were to hit him a blow on the face, he should not be disposed to pass the outrage quietly over, merely because the assailant followed up the attack by a low bow, and "your most humble servant, sir." Many of the most efficient corps throughout the two kingdoms, had already been in this way disbanded, and in a manner too which exhibited manifest partiality. A striking instance was afforded in the case of Berkshire. Hungerford, the very town most accessible by a military force, was precisely the head-quarters of the only yeomanry corps retained, the commander being a member of the Government, while the wild parts of the county were left unprotected. The Lanarkshire corps was preserved he supposed because it was in the neighbourhood of Glasgow; but the Renfrew corps had been disbanded, though in the neighbourhood of Paisley. It appeared to him, that the same argument applied to both these cases, yet the course pursued in the one instance was diametrically opposed to that which was adopted in the other. In his opinion, there was abundant evidence to show, that to disband the yeomanry would be to act quite at variance with the policy which ought to be adopted. This must be admitted in their favour, that though there existed every disposition to cast a stigma on them, only one case was described tonight, that being the one which occurred in the year 1819, in which they were supposed to have misconducted themselves. The right hon. Gentleman, in conclusion, said, he had no alternative but to mark his disapprobation of the motion by voting with the noble Lord.

Mr. *Fox Maule* differed from the right hon. Gentleman, who said there was no ground stated for the reductions. The noble Lord had stated in his circular, that the tranquillity of the country justified him in recommending to her Majesty to dispense with the services of some of the corps. With regard to the objection of the right hon. Gentleman, that the principle of reduction, confining it to single troops, and not extending it to entire corps, had not been adhered to, the only case he had stated in England was the Flint corps, consisting, as he said, of four troops, which had been reduced. The right hon. Gentleman had been corrected by the right hon. Gentleman beside him (Mr. Wynn); four troops had, in fact, been reduced in February, 1837; but there was another troop, which was retained, but it had been reduced, not by the act of Government, but at the recommendation of the Lord-Lieutenant. The Essex troop had been disbanded, because the officers of the Ordnance had stated that they were able to protect the powder works at Waltham with their own force. With regard to the Berkshire yeomanry, the reduction had been guided by the recommendation of the inspecting field officer of cavalry. The Hungerford troops had been reported to have been called out in 1836, in aid of the civil power, and the other three troops had been reported to have been never called out at all; the condition of the Hungerford troop had been reported "very good;" that of the other troops only "good;" so the former had been preferred. With regard to the Fifeshire regiment, which the right hon. Gentleman had stated had been formed at the request of Lord Melbourne in 1831, he begged to say the right hon. Gentleman had been mistaken. At a general meeting of the Lord-lieutenancy of Fife in 1831, a wish was expressed that, considering the state of the county, the yeomanry force should be re-formed, and the Lord-Lieutenant was requested to communicate to the Secretary of State the wish of the gentry of the county to have a yeomanry corps. Had the Fifeshire corps been called on to act since? Never. The riots in the town of Dunfermline were put down, not by the yeomanry, but by the Queen's troops from Edinburgh, sent across the Frith of Forth. This corps had cost 14,000*l.*, without having rendered the smallest service. With regard to the Renfrewshire corps, it had never once been called out in aid of the civil power. Indeed there were only two corps that had been so called out, and they were the Lanarkshire and the Ayrshire corps. Both of these corps were under the command of officers of experience, both could be transported with ease elsewhere, and both therefore were to be retained. He had given the best advice in his power with respect to the different yeomanry corps in Scotland, and he was certain that from no part of Scotland would the House hear that the reduction of the yeomanry force in that country was not in accordance with the wishes of its inhabitants.

Mr. *Ferguson* declared, that as Lord-Lieutenant of a county in Scotland, he should always be most reluctant to bring the yeomanry into collision with the manufacturing population. Nothing, in his opinion, could be more fatal than such a proceeding. There were jealousies enough existing at present between the farmers and the manufacturing population, one of them arising from the operation of the corn laws; and as the bringing the yeomanry into contact with the manufacturers would, of necessity, increase those jealousies, he should be very loth to employ that description of force in maintaining the tranquillity of the county with which he was connected.

Sir *H. Hardinge* wished to ask the noble Lord (Lord J. Russell) two questions in connection with the subject under debate. He perceived, by the return which he held in his hand, that in the county of Hertford, there were at present seven corps of yeomanry —that was, one in the northern division of the county, four in the south, and two in the east. Now, on the principle of the noble Lord, as laid down in his own observations, the single troop in the northern division should be reduced. But it had been said, that the hon. Member for Sheffield, who commanded it, having remonstrated with the noble Lord, it was, in consequence of what then passed between them, retained. A proportionate number of men had, however, been reduced from the other six troops, for the purpose of forming an equivalent reduction on the entire number in the county. The consequence was, as every one could foresee, that they were rendered less effective than before, and their utility greatly impaired. By the same return, he also found, that in Sussex, the Petworth troop, commanded by a gallant Friend of his own, had also been reduced. Now, economy could not be pleaded in this case, as that corps had been clothed and principally maintained at the expense of the late Earl of Egremont; yet still it was reduced, though four troops under the command of Lord Surrey, had been kept on foot. That was clearly against the principle of the noble Lord; for even if the Hertford case were to be taken as the precedent, the four troops of Lord Surrey should have been reduced by fifty men for the purpose of having the Petworth troop retained, as the corps of the hon. Member for Sheffield had been in Hertfordshire. The Petworth corps were now in existence, he was informed, but they were so only because they served without pay, and were of no expense whatever to Government. Now, he wished the noble Lord would inform him of the reason of the difference which had been made between these two bodies?

Mr. *Alston* defended the retention of the Hertford Yeomanry. With respect to the corps commanded by Captain Ward (the hon. Member for Sheffield), he thought at the time the reduction was about to take place, that they had as good a right to be retained as any other men in Hertfordshire; for a better disciplined and more effective body of men he had never seen, and he had stated to the noble Lord that it would be a hard case for that part of the county of Hertford, in which he lived, if they were not kept up. He could assure the hon. Gentleman, that he knew scarcely one of them himself, and could not tell which were his political friends, or which his enemies.

Sir *R. Peel* observed, that as he had filled the office of Secretary of State for the Home Department, and was therefore acquainted both with the circumstances which had called the Yeomanry force into existence, and with the services which it had rendered in maintaining internal tranquillity, the House would, perhaps, expect him to explain his opinions upon the subject then under discussion. With respect to the speeches made by the hon. Members opposite, he must say, that there was only one of them which he could understand, and that was the speech of the hon. Member for Kilkenny. That hon. Member objected to this force altogether, considering it dangerous to bring a force of such a description into collision with the people. The hon. Member might be right, or might be wrong in his opinion, but at any rate it was an intelligible opinion. But the opinion of the hon. Member for Bridport was, he confessed, quite above his comprehension, "In case of war," said the hon. Member. "I have no objection to employ the Yeomanry." But, as far as the argument was concerned, there was no difference whether the Yeomanry was employed in time of war, or in time of peace, for in both cases there was the same danger from bringing them into collision with the people. But the noble Lord opposite said, that in time of war, the Yeomanry would be no defence against a foreign enemy. It was true that they could not garrison towns; they could only preserve internal tranquillity. But was there no danger of collision with the people in time of war? Perhaps party spirit ran higher in time of war even than it did in the piping times of peace. As to the hon. Secretary who had advised them to discontinue this force, because it had not been brought into operation, he must say, that with him also he could not agree. One of the most valuable points in this force was, that so long as it continued in existence there was a dormant spirit in existence which might at any moment be called into activity to protect property and to suppress riot: and perhaps one of the greatest compliments which could be paid to the yeomanry was, that after being so long embodied, it had not often been called into active duty. On the one side there was a consciousness of strength which gave security to the loyal, and on the other there was a dread of force which awed the turbulent into peace; and, in consequence, property was secured, and tranquillity was maintained, where both might have been endangered, had not this force existed. Indeed the very fact of its not having been engaged in active operations was a strong reason for continuing it in existence. But another hon. Member asserted that it was a new principle of the British constitution that the vicinage should be called in to the aid of the civil power when engaged in maintaining the peace. Indeed! Then had he read the history of the constitution very differently; for he thought that it was one of the Saxon principles of the constitution that the vicinage should on all occasions be called in to secure property and maintain tranquillity. He thought that the *posse comitatus,* and indeed every process of our law, imposed on the vicinage the maintenance of peace. He drew a clear distinction between such a case as that of Canada and the ordinary suppression of riots; but where property was endangered and peace disturbed, he expected that the feelings of all would be in favour of employing the nearest and most convenient force in the suppression of disturbance. If they were prepared to maintain a military force in every part of the country to suppress insurrection, let them do so; but he knew that they were not prepared to maintain troops of dragoons in every town in the country for the purpose of securing peace, and if they were not prepared to do so, then they must appeal to men of substance and property, and give them a retaining fee for the purpose of securing internal peace and harmony. He did not believe that they would be able to substitute for the yeomanry any force which would be half so satisfactory as that species of force to that portion of the people of England which were ready to obey the law, and act in conformity with its dictates and injunctions. If the principles which the noble Lord had laid down that night for the reduction of the yeomanry corps were good for any thing, the remains of that force must be considered as retaining existence upon a very precarious tenure indeed, for those principles went equally to the total abolition of these corps. Said one of her Majesty's Lord-Lieutenants, "There is nothing so fatal as to bring the yeomanry into collision with the population of our manufacturing towns." That observation was cheered by the hon. Gentlemen opposite, and, he believed, by the noble Lord himself. If that observation be correct, then must they abolish all the yeomanry corps now in existence; for, as he would show the Committee, it was chiefly, if not entirely, in the manufacturing districts that the yeomanry force was at present withheld He would go through the different manufacturing districts and show that it was there, and almost there only, that these corps were now retained. They were retained in Cheshire—they were retained in Lanarkshire—they were retained in Lancashire—they were retained in Leicestershire—in Northumberland—in Nottinghamshire—in Somersetshire—in Staffordshire—in Warwickshire—in Wiltshire—in Worcestershire—and, last of all, they were retained in the great manufacturing districts of Yorkshire. And why were they retained in these particular counties? He would tell them—because these corps already abounded in those districts. Everybody knew, that the manufacturing population was more liable to sudden excitement than the agricultural population, and because at Manchester twenty years ago a jealous party feeling had been excited by the employment of the yeomanry against the people there, it was now proposed to get rid of the yeomanry altogether, although that was the only case in which any permanent ill consequences had arisen from their employment. Why, the hon. Secretary opposite had admitted the necessity of having such a force in the manufacturing districts, for he had told them that he maintained the Lanarkshire yeomanry on account of their vicinity to Glasgow. Then, again, in another part of his speech, the truth had silently crept out; for the hon. Secretary had said that there was a great increase of this force in 1831, and that nothing could be more wise than the course taken by Lord Melbourne in making that increase. And why was that course wise then! Because party feeling, according to the hon. Secretary, then ran high, and because great political excitement then pervaded the country. But if a yeomanry force were dangerous from the liability of its coming into collision with an excited people, how could Lord Melbourne be justified in increasing that force, in 1831? The excitement then existing among the manufacturing population was great. Why did not Lord Melbourne then say, "We will not recommend you to incorporate a large yeomanry force, but we will call upon you to grant to the King's Government a much larger force both of cavalry and of infantry. For his own part he frankly confessed, that he was utterly unable to reconcile the different grounds which had been taken up by different Gentlemen in the course of this debate; but his impression was, that this proposed saving of 25,000*l.* would be a very great loss. He did not agree with those who fancied, that when a necessity arose, that the yeomanry, on account of this supposed slight, would be unwilling to come forward to render their services. He did not believe, that they would be actuated by such feelings. Hon. Members might read letters written under excitement by one individual or another, but he would place against these individuals' acts the testimony of a noble Lord, with respect to those corps which had been discontinued, that on all occasions on which their services were required they had uniformly displayed zeal and loyalty. This was with respect to the corps which had been discontinued, and he did not claim a higher compliment for those which had been continued. But if they had a powerful force composed of the *élite* of the country, composed of men who, he believed, without disparagement to others, might as firmly be relied upon for loyalty, exertion, and personal sacrifice as any other class—if for 25,000*l.* they could avoid slighting these men and wounding their feelings—if they could retain them in this service, though they might not have been called into actual conflict, and though there might be no necessity for their acting, he believed they would purchase for 25,000*l.* a-year not only the affections of a loyal and devoted body of men, but a more certain guarantee for the permanent maintenance of tranquillity than they could purchase by any other mode in which they could expend that sum.

The Committee divided on the original question:—Ayes 203; Noes 57: Majority 146.

List of the AYES.

Acland, T. D.
Adam, Admiral
Alsager, Captain
Alston, R.
Andover, Viscount
Anson, hon. Colonel
Arbuthnot, hon. H.
Ashley, Lord
Attwood, W.
Bagge, W.
Bagot, hon. W.
Bailey, J., jun.
Baker, E.
Baring, hon. F.
Baring, H. B.
Baring, hon. W. B.
Barrington, Viscount
Benett, J.
Berkeley, hon. C.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blunt, Sir C.
Briscoe, J. I.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brodie, W. B.
Bruges, W. H. L.
Buller, Sir J. Y.
Burrell, Sir C.
Burroughes, H. N.
Campbell, Sir J.
Campbell, W. F.
Cavendish, hon. C.
Cayley, E. S.
Chandos, Marquess
Chetwynd, Major
Chute, W. L. W.
Clayton, Sir W. R.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Viscount
Conolly, E.
Corry, hon. H.
Craig, W. G.
Crompton, S.
Dalmeny, Lord
Damer, hon. D.
Darby, G.
Darlington, Earl of
Denison, W. J.
D'Eyncourt, rt. hn. C.
De Horsey, S. H.
Douglas, Sir C. E.
Duff, J.
Duffield, T.
Duncombe, hon. W.
Dundas, Captain D.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Ebrington, Viscount
Egerton, W. T.
Egerton, Sir P.
Elliot, hon. J. E.
Ellice, Captain A.
Erle, W.
Estcourt, T.
Fector, J. M.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzalan, Lord
Forbes, W.
Forester, hon. G.
Fremantle, Sir T.
French, F.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gibson, T.
Gordon, R.
Gordon, hon. Captain
Gore, O. J. R.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greenaway, C.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Hardinge, rt. hn. Sir H.
Hayes, Sir E.
Hill, Lord A. M. C.
Hodgson, R.
Holmes, W.
Hope, G. W.
Hotham, Lord
Houstoun, G.
Howard, P. H.
Howard, R.
Howick, Viscount
Hughes, W. B.
Hurst, R. H.
Hurt, F.
Ingham, R.

Inglis, Sir R. H.
Jermyn, Earl of
Johnstone, H.
Jones, J.
Kemble, H.
Knatchbull, hn. Sir E.
Knightley, Sir C.
Labouchere, rt. hn. H.
Langdale, hon. C.
Langton, W. G.
Lascelles, hon. W. S.
Lefevre, C. S.
Lennox, Lord G.
Lockhart, A. M.
Long, W.
Lowther, Colonel
Lygon, hon. General
Mackenzie, T.
Mackinnon, W. A.
Macleod, R.
Mactaggart, J.
Marton, G.
Maule, W. H.
Mordaunt, Sir J.
Morpeth, Viscount
Neeld, J.
Nicholl, J.
O'Connell, J.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmerston, Viscount
Parker, J.
Parker, T. A. W.
Parnell, rt. hn. Sir H.
Patten, J. W.
Peel, right hn. Sir. R.
Pendarves, E. W. W.
Perceval, Colonel
Perceval, hon. G. J.
Philipps, Sir R.
Philips, G. R.
Phillpotts, J.
Polhill, F.
Powell, Colonel
Pringle, A.
Protheroe, E.
Pryme, G.
Rich, H.
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Rolleston, L.
Round, C. G.
Rushbrooke, Colonel
Russell, Lord J.
Russell, Lord
Sanford, E. A.
Seymour, Lord
Sheil, R. L.
Sheppard, T.
Sibthorp, Colonel
Sinclair, Sir G.
Slaney, R. A.
Smith, J. A.
Somerset, Lord G.
Stanley, E. J.
Stanley, W. O.
Stewart, J.
Stuart, H.
Stuart, V.
Strangways, hon. J.
Surrey, Earl of
Thomson, rt. hn. C. P.
Townley, R. G.
Trevor, hon. G. R.
Troubridge, Sir E. T.
Turner, E.
Vere, Sir C. B.
Verner, Colonel
Verney, Sir H.
Villiers, Viscount
Wall, C. B.
Walsh, Sir J.
Westenra, hon. H. R.
White, S.
Wilbraham, G.
Wilbraham, hon. B.
Wood, C.
Wood, G.
Wood, T.
Worsley, Lord
Wyndham, W.
Wynn, rt. hn. C. W.
Yates, J. A.

TELLERS.

Maule, hon. F.
Steuart, R.

List of the NOES.

Aglionby, H. A.
Attwood, T.
Baines, E.
Bannerman, A.
Berkeley, hon. H.
Bewes, T.
Brotherton, J.
Bryan, G.
Callaghan, D.
Chalmers, P.
Chester, H.
Chichester, J. P. B.
Clay, W.
Collins, W.
Dashwood, G. H.
Dennistoun, J.
Divett, E.
Duckworth, S.
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Easthope, J.
Evans, Sir D. L.
Evans, G.
Ferguson, R.
Finch, F.
Hall, B.
Hastie, A.
Hawes, B.
Hayter, W. G.
Hodges, T. L.
Horsman, E.
Hutton, R.
James, W.
Jervis, J.
Jervis, S.
Lushington, Dr.
Lushington, C.
Morris, D.
O'Brien, C.
O'Connell, D.
O'Connell, M. J.
Philips, M.
Redington, T. N.
Roche, E. B.
Rundle, J.
Salwey, Colonel
Somerville, Sir W. M.
Speirs, A.
Tancred, H. W.
Thornley, T.
Vigors, N. A.
Wakley, T.
White, A.
White, L.
Williams, W.
Wilshere, W.

TELLERS.

Hume, J.
Warburton, H.

The House resumed.

HOUSE OF LORDS,

Monday, April 30, 1838.

MINUTES.] Bill. Read a third time:—Haileybury College.

Petitions presented. By the Earl of ABERDEEN, from the Synod of Ayr, for a grant to the Church of Scotland.—By Lord SKELMERSDALE, from two places in Lancashire, for the better Observance of the Sabbath; and from Ormskirk, against the alienation of Church Property.—By the Marquess of SLIGO, from Stoneyhurst, and several other places, for the Abolition of Negro Apprentices.

SPAIN—FOREIGN ENLISTMENT ACT.] Lord *Lyndhurst* wished to know from the noble Viscount, whether any intention existed to renew the Order in Council for suspending the Foreign Enlistment Act?

Viscount *Melbourne* said, that in the course of a discussion which had recently taken place elsewhere on the subject of Spain, it had been announced, that it was not intended to renew the Order in Council alluded to, and he could only repeat that statement.

Lord *Lyndhurst* wished to ask of the noble Viscount, in what situation certain individuals would be placed should they continue to serve a foreign Sovereign after their licence had expired? No persons were entitled to serve without that licence. The first licence was for three years, which was afterwards continued for another year. The first period had expired, and he presumed that the second was near its close. Now, he would call the attention of the noble Viscount to this point—namely, what would be the situation of those persons after the expiration of the month of June next?

Viscount *Melbourne* said, it by no means followed, that though the Order in Council would not be renewed, that licences might not be granted to protect those individuals. Ministers, if it were necessary, might advise her Majesty to grant licences to exempt persons from the operation of the Act in peculiar cases, and under particular circumstances.

Subject dropped.

THE CORONATION.] The Marquess of *Londonderry* said, that, anxious as he was on all occasions to act with courtesy towards her Majesty's Ministers, he was compelled a few evenings since, in the absence of the noble Viscount opposite, to ask for some information on the subject of the approaching coronation. On that occasion, he understood from the noble Marquess (Lansdowne), that the arrangements connected with that ceremony were still open to consideration. He could not avoid stating, that he felt extreme disappointment and extreme dissatisfaction at the course which had already been pointed out as that which was intended to be adopted with reference to this solemn ceremony. He knew, that the question of expense was one which, it might be said, ought rather to be noticed in the other House than there. Still he conceived that he might allude to it, and be fairly owned, that in his opinion this question of expense might have been better urged on almost any other occasion than the present. He should like to know on what ground this ceremony was fixed for the particular day which had been announced? How was it —under what unfortunate circumstances did it happen—that the coronation (which he might almost call the commencement of this auspicious reign,) should fall on the anniversary of the decease of a Monarch who was universally beloved? Surely all those who looked back to the proud period when he reigned, and who recollected the glory which the country had then achieved, must be anxious that his memory should be reverenced. He was one of those who viewed that reign with these sentiments, and, therefore, he could not but look with deep regret on the selection of that particular day for the celebration of this ceremony. He could not conceive why the coronation should be hurried forward at such an unusual period. That ceremony used to take place at a much later, and, he would say, a more convenient period of the year. Was it to be performed now because the noble Viscount felt it necessary to get rid of the business of Parliament, that he might the sooner enjoy his leisure? Why should the public business be thus stopped in what he might call the middle of the Session? Why should the ceremony be fixed for such an unusual time? He understood that the banquet and many other splendid appurtenances of that august ceremony were to be dispensed with. He greatly disapproved of any such proceeding; and whatsoever views others might take of the subject, he conceived, that, if it were intended to make an inroad on the monarchy, the shortest way to effect that object was by abandoning, in the first instance, time-honoured and time-consecrated forms and ceremonies. He should say little as to the rights of different families in this country which depended on certain services rendered at the coronation. How were they to preserve those rights hereafter when the ceremonies connected with them were dispensed with? He wished to ask, ought they not to proceed with great caution, when a series of dispensations of this nature might possibly put in jeopardy the rights and privileges, the manors and hereditaments, which many persons held and enjoyed by observing certain forms at the coronation. Let them look at the situation of the great city of London. Was the noble Viscount ready to satisfy those who were interested that their rights should not be affected, when ceremonies in which they ought to take a part were abrogated? The banquet ought not to be omitted; all the ceremonies ought to be gone through; the more especially, when many illustrious individuals from foreign nations were likely to be present. When it was recollected, that the city of London gave a most splendid banquet on the occasion of the foreign potentates having visited this country, ought not those great personages who came over to do honour to the coronation, as the representatives of their respective sovereigns, to be received with equal distinction? It was very well to talk of economy, at the same time that 2,000,000*l.* or 3,000,000*l.* were thrown away and squandered on worthless objects, on the equipment of men who were incompetent to the proper discharge of great public duties, or in the erection or proposed erection of splendid Houses of Parliament. But he would say, that in this instance economy was very much displaced. He would ask, whether the large sum of money that would be expended in this great metropolis, if the coronation were celebrated on a grand scale, and which would circulate throughout every part of the country—he would ask, whether that would not be attended with immense general benefit?

And he would ask further, whether, if that sum were not circulated, the Ministers who counselled this curtailment of the coronation would not be responsible for the detriment which the country in general, but the metropolis in particular, must sustain? He should be very glad if there were any change, or any likelihood of a change, in the system which they were told was meant to be adopted. But he feared that no alteration would be effected. He hoped, however, that the noble Viscount would still do whatsoever lay in his power to alter the period when the coronation should take place, and also for re-establishing the system which had prevailed for centuries. He hoped that the coronation would not be

> "Sent before its time into this breathing world
> But half made up—and that so lamely and unfashionably,"

as to be utterly unworthy of her gracious Majesty and disgraceful to this great nation.

Viscount *Melbourne* said, he ought to offer an apology to the noble Marquess for not having been present when the adjournment took place before the recess, in order to answer such questions as the noble Marquess might have thought proper to ask. Had he been aware of the intention of the noble Marquess, he certainly would not have been absent on that occasion. The questions of the noble Marquess had reference to two points—first, whether the arrangements for the coronation would be subject to further consideration, and would undergo any alteration; and next, as to the time when the ceremony would take place. With respect to the latter point, as to the time, he had to state, that a change of the day, probably to the 28th of June, had been determined on. That change had been agreed to in order to avoid doing any violence to those feelings to which the noble Marquess had adverted. He thought it right, however, to observe, that the day originally intended was named entirely through inadvertence. Still, he might say, that there was scarcely a day in the year that could have been selected that had not some melancholy reflections connected with it. It should also be observed, that the accession of a Sovereign was constantly kept as a festival in all countries, and at all times; and yet that accession must, of necessity, be the anniversary of the death of the preceding Sovereign. Therefore, he did not thin , that any very great fault had been committed in naming the day originally intended. It was however, he admitted, very proper and very wise to pay respect to such feelings as the noble Marquess had described; and, therefore, a fresh proclamation should be issued, to defer the solemnisation of the ceremony to the day which he had pointed out. He now came to the other question—whether those pomps and ceremonies which were dispensed with at the coronation of his late Majesty were now to be discontinued or not? And, in answer to that question, he begged leave to say, that it was not the intention of her Majesty's Government to make any further change, any material change, in the ceremonial from what had already been set forth. He was ready to defend the course taken by her Majesty's advisers. He could not, on the part of himself and his colleagues, plead guilty to the charge of want of reverence for the practice of their ancestors; and, from what had occurred before, he did not think that they were fairly liable to such a charge. When those ceremonies had anything like substance in them—when they were agreeable to the present time—when they were in accordance with the usages and customs of the present day—it might be well to adhere to them. But when they appeared to be mere shades and mere shadows—when they appeared to be mere vain pageants, useless, and idle, and, in some instances, tending to create ridicule—when this was the case, he conceived that they were prudently and properly given up and abandoned, especially when they had been given up on a former occasion. There was another reason, which ought to have some weight, and that was, that the dispensing with those ceremonies would effect a very considerable diminution of expense. Again, there was another point that ought to be taken into consideration. He alluded to the great fatigue which the duties of the day would necessarily impose on her Majesty, and which, perhaps, her Majesty would scarcely be able to undergo. He did not deem it necessary to state anything further. It certainly did not appear to him that any good reasons had been advanced to induce them to return to the old system. As to the motive which the noble Marquess thought proper to attribute to Ministers, there was no foundation whatever for the charge. They proposed, on good grounds as he conceived, to follow what was done on the coronation of his late Majesty. The course then taken he always thought had given great satisfaction, not only to the metropolis, but to the country in general. The noble Marquess had adverted to a sort of discontent which he asserted existed in this town, because certain parts of the ceremony were to be dispensed with. He did not know that there was any such discontent; but, if it did exist, he did not think it formed a sufficient ground for altering what had already been determined on. In his opinion, the course which was intended to be pursued, manifested due honour and respect to the Crown, and a proper consideration for the wishes and feelings of the country.

Mr. Turton.] The Earl of *Winchilsea* said, that, in answer to a question which he had put to the noble Viscount on Friday evening, he had been informed that an individual to whom he had then alluded had not been appointed to the situation of legal adviser to the noble Earl who was going out as Governor of Canada. He now, however, understood that that individual had not only left this country for Canada, but that he had gone out in her Majesty's ship which also carried the noble Earl. He, therefore, called on the noble Viscount at the head of her Majesty's Government to give an explicit answer to a statement, which affected not only the character of the country, but the character of their Sovereign. When he mentioned this subject on Friday last, he objected not to the appointment of such a functionary by the Crown, with any reference to its usefulness, or with any reference to its expense—his objection rested solely on the ground of character, and of character only. Differing, as he did, from the noble Viscount on many important opinions and principles, and believing, as he did, that many of the measures introduced by him were dangerous to the safety of the country, still he had hitherto given him credit for honesty and openness in the manner in which he brought them forward; and deeply should he regret if he found anything in the course which the noble Viscount had pursued in this instance that should have the effect of weakening or shaking that opinion. But he must freely state, that if he found the individual to whom he had alluded going out to Canada in a responsible situation, going out in a public character now, or with a promise that, when he got out there, he should be placed in a situation of public trust and confidence—if he found that to be the case, then he would only state, and he would state it boldly and openly to the noble Viscount, that he had not acted with that candour which became him. With the answer which he had received on Friday evening he had sat down perfectly satisfied. But now he was informed that this individual, if he had not gone out to Canada in an official capacity, had, at all events, gone thither at the public expense. It could scarcely be supposed, looking to the situation which he held in the legal profession, that he would go there for nothing; it could not be imagined that he had gone out to serve the country at his own private expense; and he would not do so much injustice to the noble Earl who was selected to fill so dignified a situation —he would not think so lightly of his character—as to suppose that this individual, who had appeared as a criminal at their Lordships' Bar, had gone out in the character of that noble Earl's private friend. No; it was impossible that that noble Earl should admit to his friendship and confidence an individual whose conduct had banished him from all female, from all moral, society. What he asked of the noble Viscount then was—first, whether a public situation of any description or character was ever offered to this individual? Second, whether any promise had been given to him that when he arrived in British Canada he should be appointed to any public situation? And third, whether, if he were not going out in a public character, or in any character at all, his expenses were to be defrayed in whole or in part by the public? If this individual had in any way been recommended to a public situation, or if any portion of his expenses were to be defrayed by the public, he should boldly contend that such a proceeding was highly objectionable, and he should give their Lordships an opportunity of expressing their opinion on what he would contend was, if the fact were so, a gross dereliction of duty on the part of Ministers. They ought to be most cautious in the selection of those who were to fill important stations, and more particularly so when they considered the tender years, the inexperience, and the confiding nature of their royal Mistress. If there were one duty more imperative upon Ministers than another, it was to guard the public and private character of the Queen —to encourage around her worth and virtue. Those formed the best defence and security of the Throne. They commanded the affections of the people, and while they added dignity to the Throne, they encouraged the growth of virtue and morality throughout the whole community. He again asked, was this individual offered a public situation at any time, or did he go out with a promise that he should have that situation when he arrived in Canada? Further, he should ask of the noble Viscount, if such a situation had been injudiciously given to this person by the noble Earl who was proceeding to Canada, whether he was to be allowed any remuneration from the public purse?

Viscount *Melbourne*.—I have no difficulty whatever in answering the observations of the noble Earl, which have exceeded a great deal the limits which are usually permitted to noble Lords in putting those questions which are expected to be answered by the courtesy of the House. The questions which the noble Earl has put to me relate to matters with which I am not acquainted, and which certainly affect most deeply the character of the Gentleman to whom he has alluded. But I do not intend to enter into any details of which I am not in possession, and I shall confine myself most strictly to answering the questions which the noble Earl has put to me. I say, then, first of all, that no situation whatever was offered by her Majesty's Government to the Gentleman whose name he has alluded to; and next, that that Gentleman has gone out to Canada, if he has gone out at all—which I do not mean to deny—without any appointment, without any prospect of an appointment, and without any intention on the part of Government, or on the part of my noble Friend, the Earl of Durham, to appoint him to any public situation whatever.

HOUSE OF COMMONS,

Monday, April 30, 1838.

Minutes.] Bills. Read a first time:—Slave Trade Convention with Sweden; Slave Trade Convention with the Netherlands; Slave Trade Convention with the Hanse Towns and Admiralty Courts (China).

Petitions presented. By Sir Charles Douglas, from Warwick, and by Mr. Noel, for the appropriation of Church Property to Church purposes.—By Mr. C. Berkeley, from Frome, for the total Abolition of Negro Slavery.—By Sir E. Filmer, from parishes in East Kent, for an alteration of the New Poor-law.—By Mr. White, from Sunderland, and by Mr. Easthope, from Leicester, against granting further Endowments to the Church of Scotland.—By Mr. Ward, from Sheffield, against any alteration in the Combination Laws; and one from the same town, against the Copyright Bill.—By Colonel Verner, from Armagh, against the Irish Poor-law Bill.—By Mr. Bailey, from Worcester, against the Copyright Bill.—By Sir E. Knatchbull, from the Archdeacon and Clergy of the Diocese of Canterbury, against certain provisions in the Benefices Plurality Bill.—By Mr. T. Attwood, from Stockton-on-Tees, for the Immediate Abolition of Negro Slavery; and from Birmingham, in favour of the five Glasgow Cotton-spinners.—By Lord Castlereagh, from places in the county of Down, against the Irish Poor Relief Bill.—By Mr. Jenkins, from Shrewsbury, against any further grant of money to Maynooth College.—By Mr. V. Smith, from Northampton, praying the Immediate Abolition of Negro Slavery.—By Mr. Clay, from certain of his Constituents engaged in the manufacture of Gas, for improvement in the Coal Trade of London.—By Mr. Kinnaird, from Procurators in the Courts of Law in the county of Perth, praying that the Sheriffs' Courts Bill may pass into a law; and from the Presbytery of Auchterarder, in the county of Perth, against any additional grant of money to the Established Church of Scotland; to the same effect from the United Associate Synod of Auchterarder.—By Mr. Baines, from Johnstone, in Scotland, to the same effect; from the Town Council of Leeds, for the reduction of the rates of Postage.—By Mr. Alderman Copeland, from Stoke-upon-Trent, deprecating the repeal of the Poor-law Amendment Bill.—By Mr. Fielden, from Aughaquare, county of Mayo, in Ireland, against the Irish Poor Bill.

Procession at the Coronation.] Sir *R. Inglis* said, that it having been decided that the banquet in Westminster-hall on the occasion of the approaching coronation should be dispensed with, he was anxious to learn from the noble Lord opposite whether there was any intention of affording the people an opportunity of witnessing the procession, or any part of the ceremony. He begged respectfully to suggest to the noble Lord the propriety of having a public procession, as the people at large not being admitted into the Abbey, they would be deprived of the opportunity of witnessing any part of the ceremony.

Lord *J. Russell* stated in reply, that it was intended that the coronation should take place in the same manner as it did in the reign of his late Majesty King William 4th. No procession took place at the coronation of George 4th, and upon the occasion of the present it was intended that there should be a public procession through the streets from the New Palace to Westminster Abbey. He might as well state at the same time, that her Majesty had approved of the advice given her upon the subject by her Ministers, which would be formally submitted to the consideration of the Council in a day or two. The 28th day of June was the day upon which the coronation would take place, instead of the 26th, as had been originally intended.

Sir *F. Trench* wanted to know whether it was the intention that ladies should appear in articles of British manufacture? Something ought to be done, as there were at present 50,000 poor weavers in a state of starvation. He had two precedents for such a proceeding,—one of the date of the 21st, and the other of the 31st, of March, upon both which occasions it was directed that ladies should appear in dresses of British manufacture.

Lord *J. Russell:* The matter does not belong to my department.

EXPENSES OF THE REVOLT IN CANADA.] Mr. *Goulburn* would be glad to know from the right hon. Gentleman opposite, the Chancellor of the Exchequer, whether he could state to the House the probable amount of the expenses incurred by calling out the militia in the North American provinces to suppress the late disturbances in Canada.

The *Chancellor of the Exchequer* said, the question asked by his right hon. Friend was one of very considerable importance, so much so as to occasion the postponement of his financial statement, inasmuch as that statement must necessarily be incomplete, unless he was prepared absolutely and distinctly to state the amount of the expenses which had been, and might be, incurred in that matter. The House, however, appeared to be so impatient, that his financial statement should be made, that he was unwilling to postpone it beyond the period which had now been fixed. He was sorry at not being able at that moment to state the amount of the expense already incurred. There could, of course, be no difficulty in making out the return up to the receipt of the last advices. The House would readily perceive that the pressure of affairs in Canada was so great and the emergency so unexpected, that it was impossible for the local Government to carry on their business with the ordinary machinery and the usual and established commissariat rules. They were consequently compelled to have recourse to such a commissariat system as would meet the emergency of the case. A new board of control, composed of British officers, had to be formed, and their duties were not only to superintend the current expenditure, but also to exercise a revision over the past. He had not yet received, nor indeed did he expect to be able to receive, the accounts of the supplies, which he was asked to state to the House.

POOR-LAW (IRELAND).] Upon the Order of the Day for the third reading of the Poor Law (Ireland) Bill,

Sir *W. Brabazon* rose to move, that the Bill be read a third time that day six months. He said, he thought himself called upon before the third reading of this Bill to make a few observations on it. He was in hopes that in its progress through the Committee it would have undergone such alterations and received such changes as might have reconciled the people of Ireland to it, for whose benefit it professed to have been introduced. But finding this had not been the case, and that those objectionable clauses had been pertinaciously adhered to, contrary to the strongly expressed opinion of the people of that country, he thought it due to those feelings, to the feelings he believed of the majority of the Irish Representatives in that House, and to those opinions he had always entertained himself on the subject, to come forward at this moment and move the postponement of this Bill; he should hope he should be the very last person who would give opposition to any measure really calculated to improve and ameliorate the condition of Ireland, but he considered that this Bill, more than probable, would have the effect of steeping her deeper in poverty and destitution. Such a measure was not fitted to a social condition such as that of Ireland. Even in this wealthy country, which was so much better able to bear up against it, how much of the pressure of it had been felt, and how much conflicting opinion there was on the subject of a Poor-law. He was quite ready to advocate a Poor-law on a modified scale, such as would meet the extreme cases of age and sickness, and those other infirmities that disqualify persons from earning a livelihood for themselves; he was sure such a measure would be cheerfully received in Ireland. It would be unnecessarily trespassing on the time of the House to enter upon all the particulars of the Bill, and those clauses against which such strong objections had been raised in Ireland, as they had been most fully discussed in Committee, and when known in Ireland, the public voice had been expressed against them from one quarter of the country to another, as was fully demonstrated by the number of petitions and signatures against the Bill being eighty-six, with 31,221 signatures, and only four petitions, with 593 signatures in its favour, besides the petitions presented to the House of Lords, from a number of the grand juries; and these petitions, he should think, might be considered as expressing the sense of the country against the measure. And with every respect to the English Representatives, great numbers of whom he was sure were unacquainted with the real wants of Ireland, and the panacea and cure for those evils, he begged to put it to them, whether they would vote in favour of a measure of such vital importance to that country, when there were such strong feelings against it? No; this Bill was not the remedy for the evils that afflicted Ireland; other measures must be brought forward to effect that end, such as employment for the great mass of the destitute and unemployed able-bodied poor on those unimproved tracts and wastes with which the country abounded: and, above all, the return to her shores of her natural guardians and protectors, the great landed proprietors of the country. With these opinions he was induced to move, as an amendment, that the Bill be read a third time that day six months.

Sir *F. Trench* said, that if the hon. Baronet had not moved the amendment, he himself would have done so, for in his opinion, it was impossible that any measure could be more mischievous to Ireland. It would have the effect of annihilating the property and extinguishing the industry of that country. The English Poor-law Amendment Act was a remedy for the abominable abuses which existed previously The present measure would produce nothing but patronage to the Government, and in that way it would be prolific enough, for it would create not fewer than 840 salaried officers. The proposed sum to be expended in this experiment, as it was called, would not be a drop in the ocean compared with the numbers which would require relief, and when they found, that they could not get it, they would be discontented, and an increased military force would be necessary. What he thought they should do was, to give the people employment, and not render them dependent on workhouses, which would destroy every industrious principle. The Government should do what had been so well recommended by the present Archbishop of Dublin—that was, reject this Bill altogether, and bring in two Bills in its stead. One of these should enable hospitals and infirmaries to give shelter and relief to the halt, the maimed, the blind, and impotent. The other Bill should be for the purpose of providing employment for the able-bodied. That was a measure which should have the support of the Government and of the hon. and learned Member for Dublin, and if carried into effect it would bring plenty and content and happiness into every cottage in the country. The present Bill would never have any such effect; on the contrary, it would be a total failure in all its parts. It was said, and no doubt it was true, that the Irish labourers who came over here in search of employment, were a very great burden to those counties through which they passed on their return, that many of them who had earned 5*l.*, 10*l.*, or 15*l.* by their labour here, sewed up the money in the lining of their clothes, and then begged their way home. He himself had often, at the earnest request of many of these poor people, given them orders on his steward for the sums they placed in his hands, they thinking that much safer than carrying the money home on their persons, and he had heard, and believed, that many, if not most of those who had saved as much as 15*l.* or 20*l.*, begged their way home, or, what was in effect the same thing, were passed on from parish to parish. This was no doubt all very bad: but if the English Gentlemen thought, that the effect of this Bill would be to rid them of this burden, they were very much mistaken. He hoped that the Bill might yet be withdrawn, and that next year two Bills, with such objects as he mentioned, might be introduced.

Viscount *Castlereagh* said, he could not allow this Bill to pass without trespassing for a short time on the patience of the House, as he could not rest satisfied with giving a silent vote on the present occasion. The two great points on which he objected to the Bill, and in which he believed he was supported by nearly the whole of the gentry of Ireland, liberals as well as Tories, were, first, that this workhouse system was inapplicable to the case of Ireland; and, secondly, that the power which it was proposed to give to the whole host of commissioners was one which was not to be admitted. He was perfectly ready to give every credit to her Majesty's Government for their wish to introduce a salutary measure for Ireland; but he could by no means congratulate them on having accomplished the object which they had in view. He was afraid that Mr. Nicholls, differing as he did from other commissioners, had shown only how cursorily he had visited that country, and the slight grounds on which he had recommended this Bill. At the same time, he could not but feel that there was a party in that House—an English party, who advocated very decidedly the necessity of instituting some poor-law for Ireland, and he was not prepared to deny, that some system of poor law might be introduced. But he believed that that English party which was driving forward the present measure had not devoted that time, trouble, and the patience, which was requisite to the due consideration of a question of such vast importance. Many hon. Members had asked him "How do you mean to vote for this Poor-law?" He had told them he should vote against it; he contended, it would not work practically for the poor of Ireland. But how had he arrived to this conviction? He found, that these Gentlemen had taken no trouble to inform themselves on the subject. It was lamentable to see how much ignorance there existed in this country with respect to Ireland. An opinion had been given in another place, which, since it had been published, he considered he had a right to allude to it; an opinion, however, which was not applicable to the North of Ireland; and certainly he, as a Representative of some of the largest and most flourishing parts of Ireland, wished to give that opinion the most pointed denial. He considered the imputation which it conveyed was unjust, ungenerous, and he must add, untrue. He referred to an opinion of the Earl of Mulgrave, delivered in another place, in which the Noble Earl had observed, that land in Ireland had become a necessary of life; but whilst he would not enter into a discussion of those defects of the social system, which made so great a difference between landlord and tenant in England and in Ireland, it was enough to say, that the good feeling which prevailed in the former, was seldom to be found in the latter. He was sufficiently acquainted with the North of Ireland to give a positive denial to this statement. He could say that, throughout nearly the whole of the province of Ulster they had the best proof that this assertion was not founded in fact. In that part of Ireland, the attempt had been made to maintain the poor on the Scotch system, and the experiment had been followed up there with great success; and the people, who derived great benefit from the adoption of this system, were unwilling, one and all of them, to have this grievous measure of taxation imposed upon them. They imposed a tax upon the country—a tax unlimited in extent. Again, let it not be supposed that by this Bill they would prevent the irruption of Irish labourers into England. Where higher prices for labour were to be obtained, there would the Irish labourers resort. They could not check the ingress of those who sought for that labour which was to be obtained. The same irruption of Irish labourers would continue, if this Bill were passed. To show the House how people of all parties, how men who were almost universally opposed to each other, were opposed to this Bill, he would refer to a paper of the trades' political union, by whom a committee had been appointed to take the subject into consideration; that committee declared (and he thought very truly) that the Bill was one of great length, but confused in arrangement, and technically unintelligible to the many. These parties objected to the appointment of paid officers, and they contended that if such a temptation to jobbing existed, there would not be a man to be found to act gratuitously as a guardian to the poor. This committee observed, that they could not close their report without stating, that the proposed Poor-law was not the mode of proceeding to be adopted. He quite agreed with these parties. Now with respect to parishes with which he was closely connected, he had taken the trouble to see how the system to which he had adverted worked. In one parish, containing 17,420 statute acres, and a population of 8,226, there the entire number of the poor supported in the workhouse was thirteen, whilst the number of out-door poor who received relief was 100. In Newtownards the population was 11,000, twenty destitute persons were supported in the workhouse, and relief was given out of doors to 140. He begged to say he entirely agreed with the hon. and learned Member for Dublin in his opposition—his decided opposition to this Bill. The hon. and learned Gentleman was, perhaps, not aware of this fact—that a great public meeting had been called together at Belfast, at which Dr. Cooke, the leader of a very large party, who were much opposed to that hon. and learned Gentleman, proposed three cheers for Mr. O'Connell, for his determined opposition to this Bill. With respect to the hon. and learned Gentleman, he was delighted to see him present, but he must permit him to say, that he was not content with his opposition being merely verbal. He knew the hon. and learned Gentleman held a power over her Majesty's Government by which he could prevent them from carrying measures which were obnoxious to the people of Ireland. Why did he not then come forward and tell the noble Lord that he did not approve of this Bill? And if the noble Lord then persisted in carrying it through the House, why did he not withdraw from the noble Lord? This would be the way for him to act. He spoke it not offensively, but he would say let him not support a Bill which must be injurious to the people of Ireland. Having made this appeal to the hon. and learned Gentleman, he had no doubt they would hear why it was, he supported her Majesty's Government in spite of this fatal measure. For himself he was satisfied, having been able to record his opinion, for he had no power to delay the passing of a measure which was fraught with great evil.

Mr. *O'Connell* said, it was his rule to support Ministers when they were right, and to oppose them when wrong; but the noble Lord seemed anxious that he should oppose them whether right or wrong. In the present instance he thought them exceedingly wrong; and he begged the House to consider, that he and the noble Lord for the first time in that House fully coincided in their views, and represented the unanimous opinions of the people of Ireland. The Archbishop of Dublin and Dr. Cooke were opposed to the measure, the grand juries in the different counties were opposed to it, and only four petitions had been presented in its favour. When Ireland, then, was almost unanimous in its opposition, he would appeal to English Gentlemen whether they would force on that country a measure that the people rejected. This was not a party question, and all who knew Ireland, and were anxious for her tranquillity, should unite in condemning this Bill, which was wrong in its principle and paltry in its limits. The English Poor-law Bill was based on different reasons. The abuse of the old system created a pauper population that shrunk from work, and its faults were so glaring, that the new Poor-law Act was passed to stimulate the people to labour. But was such a stimulus wanted in Ireland? Did not the Irish labourer traverse from the extreme of Connaught as far as Kent—about 700 miles—in search of employment? The Irish were to be found wherever wages could be obtained; and if this law were merely intended as a stimulus, it was based in error, or, as the gallant Officer opposite said, it was altogether a blunder. He begged leave to draw the attention of the House to the details of the measure; and he would, in the first place, ask whether it were prudent to exclude the clergy from being guardians? However the Irish clergy—the Protestant and Catholic—might differ in polemics, they always worked together in carrying out any charitable project, and their only rivalship was in their endeavours to assist the poor. He therefore thought, and he said it with great respect, that his brother magistrates should have been excluded instead of the clergy. The Bill did not improve as its details were followed out. No out-door relief was to be given, all relief was to be in the workhouse, and he would ask if that were likely to tend to the peace of the country? The Bill had no control over mendicancy and vagrancy, which would continue on as large a scale as heretofore, although in England from the time of Elizabeth, wherever workhouses were established, no application was allowed to any other public charity. The farmers' burdens would not be at all relieved by the Bill. Supposing 100 workhouses were erected, capable of containing 100,000 paupers, they would not be sufficient for Ireland, where at some seasons of the year, the destitute amounted to 2,300,000. In Dublin, at present the workhouse contained 2,500 paupers, and the Mendicity Asylum 4,000; still, the streets were crowded with paupers, not from different parts of the country, but almost all natives of that city. By this, it would appear that 100 workhouses would be very inadequate to the wants of the country. The landlords would suffer materially from a law of settlement not having been introduced into the bill. He did not join in the indiscriminate censure of the landlords of Ireland, for he was confident that they did not deserve it; but this bill would open the door to inflicting great hardships on them. At present it was said, that the tenants were turned out in a state of destitution; but this bill would give the landlord an opportunity of saying that he had paid his duties to the poorhouse, and that the tenants might find a refuge there. But let the House remember that the poor rates paid on land by the occupier, were in the proportion of 7-10ths whilst only 3-10ths were paid by the landlord. Any nobleman or gentleman who resided on his estate would pay 7-10ths as occupier, whilst a non-resident landlord would pay only 3-10ths. The Poor-law Commissioners had, in their third report, stated the gross rental of Ireland to be estimated at 10,000,000*l.* sterling, but that of the landlords to be only 6,000,000*l*; and yet, occupiers were to pay after the rate of 7-10ths, whilst absentees were to pay only 3-10ths of the poor rates. Men talked of the gross rental of Ireland, but they ought to consider the amount to which landlords were taxed. They should remember, too, how many unsettled questions there were on Irish matters: there was the Irish Tithe question, the Irish corporation question, and others unsettled; and whether the principles of all of them were right or wrong, the Legislature should look to the consequences of them, if they were carried. Now what would this Poor-law cost? Why at the very outset there were to be built 100 poor houses, and it was impossible that less than 10,000*l.* could be expended to get up the machinery of the bill; besides which, there was to be a large staff of officers. First, there were to be 300 chaplains; the appointments of chaplains of the Established Church and of the Presbytery were right, and the Roman Catholic chaplains were really necessary. Then there were the Poor-law Commissioners, sub-Commissioners, and lastly, the guardians. It had often been said, that Ireland was too poor for a Poor-law: and yet, what an enormously expensive machinery was this to support the poor. The country had, however, always evinced a great desire to support the poor, as well as they could, and yet, with all their difficulties to do this, there has been added the additional expense of this enormous staff, which he might say would amount to nearly 1,000,000*l.* sterling. In Ireland, agricultural labourers were more numerous than in England, for whilst the latter country had only 1,055,982, the former had about 1,131,715; so that with only two-thirds of the population of England, Ireland had 75,000 more agricultural labourers; but by this bill the means would be taken from the occupiers of land and the farmers, of employing their labourers, though this was the only resource which labourers had, except perhaps their long journies to this country, and they would consequently be turned into the workhouses. Then what was the agricultural produce of Ireland? Now in England, the average for agricultural produce was 150,000,000, and in Ireland only 36,000,000; whilst in England the produce was in the proportion of four to one, and in Ireland of two to one; though if it were not for the want of capital to purchase proper manure for the land, and to cultivate it well, the land in Ireland would produce four times that of England. Again, the produce of every English labourer was calculated at 141*l.*, whilst that of the Irish labourer was only 31*l.*, and yet this additional taxation was to be imposed on them. He had referred to various documents for the purpose of showing the House that Ireland could not support this burthen. What were the sources of capital? Rent, wages, and profits. Now the manufactures of Ireland were scarcely any, and therefore the profits were but small; the wages were as low as they could possibly be; and of the rents a great portion was spent out of the country. There was, however, a chance of this bill being thrown out in another place. If he had wanted a subject to excite an inflammatory feeling, he should have taken up this bill. Many of the landlords in Ireland had obtained their possessions by confiscation, and if he had taken a different course, he might on that account have obtained the assistance of the Catholic clergy, and easily got their co-operation in making the rich feed the poor; but he had proposed, and had conscientiously taken, the other course of opposing the bill. His opinion ought to have some weight connected as he was with Ireland. He had dissected the details of the bill without any party feeling, for the irritation and influence against it would have been too great to be subdued by any physical force, if a breath had been uttered with a view to stir up discontent, by one in whom the people of Ireland had confidence. Let the House, then, not throw this additional infliction on them. He would caution them and say that the farmers and the gentry of the country were against it; the voice of the whole country was opposed to it; the experiment had been made on a false and fictitious basis. In the name, therefore, and with the combination of all parties in the country, he would ask the House to pause before passing this measure, hoping that it would be withdrawn, and that Ireland might have the hope of a better one being proposed.

Viscount *Morpeth* felt the difficulty of addressing the House after the eloquent speech of the hon. and learned Member for Dublin; still he wished to make a few observations on the Bill under consideration. In doing so, he should feel absolved from the necessity of entering into detail on any particular points, which had been distinctly discussed and finally fixed in the Committee, as well as of opening the general question, of whether or not it was expedient to introduce a Poor-law into Ireland; the sense of the House on that general question being sufficiently ascertained by the stage at which the Bill had arrived. In that stage, it was nevertheless competent to Members on all sides of the House, to declare whether, in their opinion, the measure was one calculated to effect the object which it professed to have in view. Great stress was now laid on apparent symptoms of repugnance to the measure in Ireland by those who were hardly heard in opposition to it in its early stages, or in the long intervals of its consideration; but who now, at the tenth or eleventh hour, called on the House to stop short, and to postpone the Bill to a future period. He must confess he felt somewhat surprised that these symptoms did not manifest themselves at an earlier period. For although he had always been persuaded, that the general opinion was, that the time had come for the introduction of a Poor-law into Ireland, yet he imagined that whenever any scheme should be brought forward, with the views and prospects of its being actually carried into effect, whatever that scheme might be, it would be met by a host of objectors, various and vehement. It was impossible, but that many objections must lie to the details of any measure introducing a Poor-law into Ireland. Yet, though the hon. and learned Gentleman and the noble Lord had, in former stages entered into an examination of the details of the measure; they now refused to admit the principle of the introduction of the Poor-law into Ireland. At the same time, he must do the hon. and learned Gentleman the justice of saying, that although his opposition to the measure had been constant, he had never mixed that opposition up with inflammatory matters calculated to excite the poorer classes in Ireland. Whoever had a favorite scheme of his own upon the subject, of course looked at that scheme with unfavourable eyes, and though their own several schemes would probably be more utterly at variance with each other, yet the plan of the Government, as being the most strenuous and formidable competitor, would attract all their concentrated hostility. With respect to the present measure, it was natural that it should disappoint two parties in Ireland. Those who were to be the recipients of the proposed relief would be disappointed, that that relief was not more extensive; those who were to contribute the relief, would be alarmed and jealous at the extent to which they were to be called upon to contribute. But for all these different kinds of opposition, it was the duty of her Majesty's Government to be prepared. They had been so prepared; they had stood by the principle of their measure; they had yielded no part of that principle to influence or to opposition, except where it was shown by fair and open argument, that some portion of the Bill was susceptible of improvement. It had been said before, and the hon. Baronet who had that evening moved the amendment, repeated the charge, that Government had shown themselves very stiff-necked in this matter, and that they had not paid the deference which they ought, to the opinions of gentlemen coming from the country in which the proposed measure was to operate. Now, although Government had unquestionably adhered to the principle of the measure, it was incorrect to say, that they had not adopted the suggestions made to them with respect to the details, whenever those suggestions appeared to be deserving of adoption. In proof of this, he would refer to the numerous changes in the Bill which had been introduced in the Committee. [The noble Lord here read a list of the changes to which he alluded, comprehending the consent of the guardians to be indispensable to dissolve any union; the definition of the circumstances under which guardians were to be appointed; the checks put upon grants for emigration, the total exclusion of the vagrancy clauses, &c. &c.] It had been further alleged, that this Bill was to be carried in spite of the sentiments and the votes of the Members for Ireland. Now, he had made out a catalogue of the votes on the subject. It appeared, that on the principle of the Bill (the question being the Speaker's leaving the chair), the Irish Members who voted in favour of the Bill were fifty-six in number, the number who voted against it was sixteen. It might be said, however, that the majority on that occasion waited to make alterations in the Committee. It appeared, however, that in twenty-five divisions which took place in the Committee, there were only eight in which there was a majority of such Members against Government. In the other seventeen cases, the majority was in favour of Government. He perfectly admitted, that it was very difficult to deal with this question, so as to please all parties; but, up to that hour, no scheme at once more prudent and more efficacious, had been proposed. When he heard so much of meetings in Ireland and of petitions against the Bill by grand juries, by trades' unions, and by other bodies—while he admitted the perfect right of those bodies to arraign the measure, he could not forget that the classes for whose benefit it was principally intended did not enjoy corresponding means of making their wishes known. From what, no doubt, were the honest and sincere, but he believed also the exaggerated, apprehensions of the contributors to the poor-rate, he could not help turning to the poorer classes of the Irish people, wandering on the highways, or perishing in their cabins. The cry of him that was ready to perish did not find its way to their table. At the last of the meetings of the kind to which he had alluded, and which had taken place in Dublin, Mr. Staunton, the respectable editor of a Dublin newspaper, spoke of a case of horrid destitution. The hon. and learned Member for Dublin replied, that that might be the case in a particular district, but that that was no argument for the general introduction of a poor-law. Upon this the rev. Mr. Toole, a Catholic clergyman, rose to address the meeting. Mr. Toole stated, that he resided in the county of Kildare; that he was well acquainted with the state of the poor in that county; that there were annually hundreds of them who died of want, but who would have been saved by a poor-law; that it was unimportant whether the names of bastiles or prisons were given to their places of reception, but that it was very important that they should be rescued from utter destitution; that whole families were living in houses without roofs, exposed to the open air; that sickness, consequently, spread among them to a most distressing extent; that all the wealthy people of the county were absent; and that he hoped something would be done to alleviate the dreadful misery which prevailed. Now, in his opinion, this short simple statement outwent all the logic of the opponents of the Bill, and its eloquence exceeded theirs. The most practical objection which had been made to the Bill was the alleged deficiency of means which the proposed workhouses would provide for the relief of the destitute; while great stress was ladi upon the sentiments of repugnance felt by the poor of Ireland to be received into the workhouses at all. Now, with reference to this last objection, he would ask whether, if they hoped to devise any measure which would materially relieve the poor without ruining the country, it was not the safest plan, while they rendered it impossible for the poor to perish from starvation, if they chose to avoid it, to make the mode of relief as irksome and unattractive, and a dependence on their own labour and exertions as alluring, as possible? The alleged repugnance to workhouses would operate in two ways. It would operate on the contributors to relief, and it would operate on the recipients of relief. On the latter it would operate by inducing them to find employment, that they might escape the necessity of going into the workhouses; on the former it would operate by inducing them to give employment, that they might escape the necessity of contribution. In truth, from this indirect working of the Bill he anticipated the greatest portion of the advantages which, in his opinion, would flow from it. He was well aware that there was another mode of relieving the poor in Ireland, which, to some, would be more palatable than the present measure: namely, that of employing them on public and private works. That was the mode of relief especially recommended by the Commissioners of the Irish Poor-law Inquiry. For these Commissioners he entertained the greatest respect, and he had always sincerely regretted that it was not found practicable entirely to concur in their suggestions. He should always consider that the gratitude of the country was due to them for the zeal and ability which those Commissioners had manifested. But, perhaps, from their number, and from the very deference they entertained for the opinions and authority of each other, they had arrived at conclusions of a less practical character than they would otherwise have been; and their report in consequence assumed something like the character of a compromise, tending to reconcile as much, and repel as little, of their diverging views as possible. But with regard to any employment that might be afforded in the construction of public works and the draining of bogs, he could not conceal from himself the opinion that it would operate as a very imperfect means of relief. With respect to emigration, he was undoubtedly of opinion that, well and judiciously conducted, it would operate with great advantage to Ireland; but it would not be sufficient in itself, unaided by any system of poor-laws, to remove all the distress which unhappily existed in that country. He should like to know what scheme of emigration, or what system of out-door-relief, maintained by an assessment upon land, could be established in Ireland for the relief of a distressed population amounting to 2,300,000 souls, if it were desired that the proprietors of that country should remain in possession of a single acre of the lands they now held? Under these circumstances he was strongly of opinion that the system of relief proposed in the present bill was at once the simplest, the most comprehensive, and the best, that could be established. After expressing his thanks for the hearty and sincere co-operation which had been afforded to the Government from all parts of the House during the progress of the bill to this its final stage, the noble Lord concluded in these terms:—May the spirit which has presided over the debates upon the measure equally accompany its development when it comes to be carried into practical operation. *Felix faustumque sit* is the prayer with which we now launch it forth into the world, and I feel assured that it is a prayer which will find an echo in the breast of every man who feels an interest in the welfare of Ireland.

Mr. *J. Young* observed, that the noble Lord who had just sat down had said the opposition to this measure had been late in coming, but the noble Lord appeared to have overlooked the fact that there were petitions against it on the table from every part of Ireland. In order to conciliate the landed interest of Ireland, the noble Lord ought to have attempted to define to what extent in any one year, the expenses of this Poor-law would go in particular districts. The hon. Gentleman read a statement of what he had calculated would be the expenses of the machinery of the bill, in one county, for one year, which he said would reach the enormous sum of 16,000*l*. Now, he asked, could such an expense as this be considered prudent? He thought not, and more especially as the benefit to result from it would at most be only partial, and extend to but a small number of persons. He feared that it would not be productive of the moral effects anticipated from it; and, agreeing in the opinion expressed by Bolingbroke, that the best laws would be injurious if opposed to the spirit of the people, he could not support this bill because he knew that the feeling of the people of Ireland was hostile to it. Undoubtedly, the Irish gentry were unfavourable to it, and if they remained united, and refused to take an active part in carrying its provisions into operation, it could not fail to work otherwise than languidly and inefficiently. It would be utterly impossible for the Commissioners and their officers to overcome, unaided by the gentry, the difficulties they would have to encounter, and if it were not calculated to produce a moral effect on the people, it would be more injurious than advantageous.

Viscount *Powerscourt* said: Not having been present at former discussions on the principle of this measure, and to show to the learned Gentleman, the Member for Dublin, that Irishmen are not so unanimous upon this question as he imagines, I must entreat the attention of the House for a short time upon this occasion, while I say a few words in defence of this measure, as I cannot reconcile it to myself to give a silent vote upon the measure now before it—a measure which appears to me of the greatest importance to the future welfare of Ireland. I rise, Sir, not from any undue wish to intrude my inexperienced opinion upon the House, but influenced by a deep sense of the duty which I owe to my constituents, by a deep sense of the duty which I owe to the nation at large, as one of the Representatives of the people in this House, and a strong feeling of the great responsibility which attaches to every Member of Parliament. In short, Sir, I cannot give the vote which I have made up my mind to give to-night in favour of this measure without stating very briefly a few of the reasons which actuate me in such a course. I consider, in the first place, that whether or not, in point of fact, the absence of a Poor-law in Ireland is a substantial grievance, it at any rate leaves room for evil-disposed persons to make it appear to be so; and I think it cannot be denied that there is something wanting in any system of Government wherein there is no legal enactment to save the infirm and helpless from absolute want. But, at the same time, I think, that the end of a just and wholesome Poor-law should by no means include that indiscriminate charity which gives to all who ask, without inquiry, and as far as I understand the measure now before the House, I must say, that it appears to me well calculated to afford to the poor in Ireland that just relief which they have a right to expect from the humanity of an enlightened state, without inflicting unnecessary burdens upon the property of individuals. The opponents of this measure, Sir, have endeavoured to fasten upon it all the opprobrium connected with the English Bill; but I think that, though the two measures certainly resemble one another in principle, there is the strongest possible difference in their tendency, arising from the nature of the circumstances to meet which the two Bills have been respectively framed. The English Bill was brought in for the purpose of correcting an enormous abuse in an existing law, and its unpopularity in some quarters arose from certain harsh provisions which it contained, and not from any fault in its general principle. This Bill is, on the contrary, a boon to the poor of Ireland. The effects of which cannot be known, because the experiment of a Poor-law has never been tried. The effect of the English Bill is to reduce nearly one-half of the gross amount of the poor-rates. That of this measure will be to create a fund for the relief of the poor which has never before existed. The English Bill takes away from persons who have long received parish relief an allowance to which, by long use, they consider themselves justly entitled; this measure creates an entirely new resource for the pauper, which, without necessarily diminishing his present means, will form an additional barrier against the extremes of penury. Surely, Sir, nothing can possibly constitute a greater distinction between two measures than the fact that one is to give, the other to take away. But, Sir, although I have determined, upon due consideration, to support this measure to-night, I must confess that I should most sincerely rejoice if one or two of its clauses were modified before it becomes the law of the land. There are clauses especially to which I object, as I consider them impolitic at least, if not dangerous. The clauses to which I allude are those which invest the Commissioners created to carry this Act into execution with almost arbitrary power with regard to the appointment and payment of officers. I say, Sir, that these clauses are dangerous, because, bearing fully in mind the great powers which belong to this House, I yet think that there is one extreme exercise of power which does not belong to her, and that is the power of delegating any part of her legislative authority to a triumvirate of persons not necessarily included among her Members. I conceive that the power of Commissioners created by this Act, or by any other Act, should be strictly limited to an executive power, and that any power which shall exceed that executive power, any power which shall arrogate to itself the functions of legislation, is inalienably entailed upon this House, and cannot, even by its own act, be transferred from itself without a manifest and direct breach of the spirit of the constitution. It seems to me, therefore, at least inexpedient, and I doubt not that a great number of Members of this House agree with me in opinion, that the power of taxation which this House has hitherto held solely vested in itself should be transferred in any instance from herself, to be exercised at the discretion of any three persons, or, as may be by this Bill, at the discretion of a single individual, however immaculate and however faultless that individual may happen to be. There are one or two other points in this Bill which I disapprove; but, Sir, I feel most strongly that in the present state of Ireland a Poor-law of some sort is absolutely necessary for that country, and I do not therefore think that I am authorised in voting for the rejection of a measure which contains many provisions of an excellent nature, merely on account of the deficiency of some of its parts; and I am the more encouraged, Sir, in this idea by the reflection, that even by the most sanguine of those who believe most in its efficacy, this Bill can only be considered in the light of an experiment—a great experiment to feel, as it were, the pulse of the Irish nation, in order that hereafter the principle may be improved and adapted more particularly to the nature of the case. I feel inclined, therefore, myself, and I hope the event will prove that a majority of this House are also inclined, to promote this great experiment, which has for its object the welfare and happiness of a whole nation. But, Sir, the chief reason which influences me in wishing for a Poor-law in Ireland, even if it be found necessary to run the risk of a dangerous experiment to obtain one, is that I feel convinced that such a measure will rob agitation of its bitterest venom. It is a measure calculated in its origin and in its effects to open the eyes of the deluded people of Ireland to a sense of the imposture by which they have long been deceived—in its origin, because it springs not from that source whence, if there be any value in oft-repeated protestations of patriotism, any Bill for the relief of the Irish poor could naturally arise—in its effects, because it will point out to those deluded persons the right quarter whence substantial relief is to be expected, and it will teach them to set down at their real worth the bubble theories of those who, under the mask of a pretended zeal for the political equality of their countrymen, but in reality in their restless ambition for political distinction, themselves pour vitrol into their country's wounds, and excite all those who can by any device be prevailed upon to listen to their inflammatory harangues, to deeds of rapine and of blood. I think, Sir, that the benefit conferred upon the people by a poor law, should be an absolute benefit—a benefit which seeks no equivalent, and that it should at any rate be most carefully ordered, so as not to interfere with the existing resources of industry, much less diminish their numbers. And now, Sir, having already detained the House too long, I shall sit down, only repeating that I have come to the determination of giving my vote this night in favour of this measure, because I conscientiously consider it to be on the whole well calculated to produce the beneficial results of a judicious Poor-law, which I consider to be not to maintain the healthy and athletic young man in indolence on the one hand, nor to find work for all who may assert that they cannot find it elsewhere on the other, but to provide that no person shall be reduced to utter destitution, without a last resource, which shall always be open to him when he can find no other means of subsistence. This, and this alone, is the legitimate object of a Poor-law in any country—not to offer a premium to the indolence of every sturdy mendicant who may make it his endeavour to live upon the follies and weaknesses of his fellow men—not to add to the natural tendency of the human mind to crime by recklessly associating in unrestrained communion, lawless persons of both sexes, but to hold forth as a fundamental principle of the Christian faith, as a great rule of enlightened policy, the doctrine of charity, and to incorporate it with the various, enactments of the Legislature.

Mr. *Corry* said, that as the modifications he had expected would have been effected in the bill, had not been made, he felt it his duty to oppose the third reading. He did not consider the measure sufficiently circumscribed to merit his support, because he was persuaded that a poor-rate, providing relief for all the able-bodied poor of Ireland would prove by far too oppressive for the land to bear. He was the more persuaded of the correctness of the views he had taken when he considered the feelings of hostility to the measure which had been generally expressed in Ireland, and when he reflected, that, with one exception, the grand juries of that country, which had petitioned the House on the subject, had all expressed their opposition to the proposal of granting relief to the able-bodied poor.

Sir *E. Hayes* said, that the strong objection to the measure in Ireland was to the workhouse system, which it would establish, but he opposed it because he thought it would impose a burthen on the country too great to be borne. It was a serious drawback on it that it did not contain the mendicity clauses. Disapproving of it, he could not give it his support, and he had made these few remarks, because he did not wish to give a silent vote on a measure which was so important for Ireland.

Mr. *Bellew* said, it was his intention to vote for the third reading, on the ground that the bill would be a great benefit to the Irish poor. It was much better, in his opinion, that this bill should pass, than the poor of Ireland should be left for another year without a Legislative provision.

Colonel *Conolly* said, his constituents were anxious that he should support this bill, and, therefore, it was not without regret that he found himself unable to comply with their wishes. Amendments had been talked of, but had not been made; and, as he believed, that to carry such a measure into effect, would absorb the whole rental of the country, he must oppose its further progress. Entertaining the impressions he did respecting the measure, he merely wished to call the attention of the House to those points in which the noble Lord had departed from the principles on which he set out. If the noble Lord had consented to adopt the amendment proposed by the right hon. Member for the University of Dublin, he would have done much to propitiate the public mind to the bill. The noble Lord took credit for the view to economy with which this measure had been framed, and yet he left the agricultural population subject to the expense to which they were subjected by the existence of vagrancy. Whatever difference of political opinions might exist between himself and the hon. Member for Dublin, he could not help thinking his arguments on this subject to be very forcible. The great evil of Ireland was poverty, and surely poverty could not be relieved by additional taxation. He thought, that it was a very objectionable arrangement, instead of making the taxation local, to have the country divided into unions of great extent. If the taxation were local, it would give the landlords every inducement to reduce the rate, but, whatever exertions a landlord might make to improve the condition of his tenantry and to lessen the rate, individual exertion could have no effect under this bill, as the unions were to be of such very great extent. The expectations that had been formed, that the bill would be improved in Committee, had turned out to be quite unfounded. The alterations that had been made were of a trifling and insignificant nature, and the main features of the bill remained unchanged. He could not support this bill. By omitting to provide against vagrancy, they left the public to be charged twice over. Everything that could lead to economy, and give an inducement to a saving of expense, had been taken away. By dividing the country into large districts instead of small, they laid the foundation for profligate expenditure to an extent of which at present they could have no idea. The best way to provide for an economical management, would be to make men feel that the economy would reach their own pockets. The present measure was rather calculated to be a source of patronage, than a means of relieving the poor, and as such he should feel bound to vote against the third reading of the bill.

Colonel *Verner* had presented several petitions against this bill, and one of those petitions was from the grand jury of the county which he had the honour to represent, and he did not feel it consistent with his duty to give a silent vote on the present occasion. It was charged against those who opposed this bill, that they were opposed to a provision for the relief of the poor. Now this was an undeserved imputation, from which he was anxious to relieve himself and those who concurred in opinion with him on this subject. He was convinced, that this bill would be a failure. Those who supported the present measure admitted, that it was only to be considered as an experiment, and he was not prepared to give his support to so expensive an experiment. He never would consent to a measure of such importance for the sake of an experiment. Before they adopted an experiment of this kind, they should first be sure that if the experiment failed, they could come back to the same point from which they started. Whilst he was lately in Ireland, attending the Assizes, he had had an opportunity of ascertaining the opinions of all classes respecting this measure, and he found the opinion of all unfavourable to the bill now before the House. His colleague concurred in opinion with him in his opposition to this bill, and would give his vote against the third reading. He hoped, that the noble Lord would not persist in forcing this measure contrary to the feelings and opinions of the people of Ireland. He should be happy to give his support to any measure which he felt to be calculated to relieve the poor of Ireland; but he protested against the imputation, at once unjust and uncharitable, that all who opposed this bill were opposed to relief of the poor.

Sir *E. Sugden*, as he had taken an active part in the various discussions respecting the present bill, was anxious to make a few observations. He did not think it fair to charge English Members with a desire to force this measure upon the Irish people. A more unfair and unjust charge could not be made. He had not been absent from any of the discussions that had taken place respecting this bill, and he had devoted his attention to it, not with an English but with an Irish feeling. He was interested in improving the condition of the people of Ireland; and, moreover, he thought it a great object of English legislation. He was not anxious to force this measure. He had taken no view whatever respecting it as a party man, but had taken that bill which he thought best. This was, in fact, no party question, and one on which no party feelings should be displayed. Now, with respect to the speech of the hon. and learned Member for Dublin during the whole of his argument he had not suggested any better plan than this before the House. He did not think the hon. and learned Member was a fair opponent, for he was opposed to a poor's rate altogether. He did not support the present measure because it followed to a great extent the English Poor-law, but he thought that the test of destitution which the plan embraced, was the very best that could be adopted. Surely no one would contend, that it would be safe to give relief without a test of destitution. According to the argument of the hon. and learned Member for Dublin, there should be no test but mere poverty. But whilst he found fault with a test of destitution, he was opposed to a poor provision altogether, and the objection to a test of destitution came with a bad grace from one who was opposed to a provision altogether. The next topic of the hon. and learned Gentleman was with respect to the extent of destitution. The hon. and learned Member said instead of having to provide for only eighty thousand, that they would have to provide for eight hundred thousand paupers. Now he could not understand an argument against the measure for not going far enough, coming from those who objected to the measure because it went farther than they wished. He would support this measure as far as his vote went. He thought confinement in the workhouse would be of itself a sort of destitution. An objection had been urged against the present measure because it did not contain a provision against mendicancy. He believed, that the vagrancy clauses were given up because it was felt that as they could not provide for all the poor, it would not be just to compel them by law to abstain from appealing for relief. However, the operation of the Bill itself would have a tendency to lessen the amount of relief given by the agricultural classes, for when they found that other means were provided, their sympathies would not be so ready, and they would be more slow in affording relief. He did not mean to say, that the operations and impulses of benevolence should be interdicted by a legal obligation. It was not because a man paid a tax, that he should feel himself relieved from all sympathy with human wretchedness, or released from the duties of benevolence. He could not in supporting the present Bill be suspected of any leaning towards the present Government. He had no objection to pressure upon the Government, and he thought that in general they were too softly and too kindly dealt with by those on that side of the House; but he believed, that the vagrancy clauses had been given up on the ground, that as they could not give a legal title to relief, nothing could be more unjust than to say, that men should not travel about to seek relief. However, on this point the Government had pledged themselves to bring forward a proper remedy on an early occasion. The hon. and learned Member for Dublin had said, that there were more agricultural labourers in Ireland than in England, and yet that England, with a less fertile soil, was more productive. Now, was not this an argument to show, that a Poor-law had benefitted England, and had elevated and improved her people to a certain extent? He wanted the poor of Ireland to be raised to a higher condition. The poor of Ireland ought to be compelled not to live on potatoes; when they had a higher standard of living, the people would be elevated in their condition, and a higher state of agricultural improvement would necessarily follow. He supported the present Bill, because he thought it would raise the condition of the people of Ireland, and would compel the landlords of that country to take a greater interest in the condition of the labouring classes. He did not consider the present plan to be absolute wisdom, but he thought it as free from objection as any similar plan could be. He supported this measure, though opposed to her Majesty's Government, and he hoped he would always continue in opposition. He thought it best, that the Government should have the responsibility of this measure. They would, on that account, be more desirous to look closely to its working, and make any improvements, that experience should render necessary. In conclusion, in behalf of himself, as well as every other English Member who supported this Bill, he must protest against any wish to force this measure on the people of Ireland. He supported the measure, because he thought it calculated to confer a benefit on Ireland, and in the course he took he felt pain to differ in opinion from many with whom he was in the habit of acting, and for whom he entertained the highest respect. He would vote for the third reading of the bill.

Mr. *Sheil* commenced by observing that, giving the English Members credit for all the purity of intention which the right hon. Gentleman (Sir E. Sugden) claimed for them, it was quite possible that, from that want of experience possessed by the right hon. and learned Gentleman himself, in consequence of the high and honourable situation which he filled, to the admiration of all who witnessed the discharge of his duties, might render those Gentlemen not the best judges with respect to the safety of the experiment which was attempted to be applied to Ireland. He perfectly agreed in the opinion that party feelings should not be excited in a discussion of this description. The noble Lord, the Member for Bath, spoke in a manner which formed the only exception to the rule which was observed throughout this discussion when he expressed his willingness to support this measure as the means of putting down agitation. He would not stop to inquire how locking up the beggars would have the effect of putting down the independence of the 10*l*. voters. He must say, however, that a total abstinence from political topics argued a false delicacy which he did not understand. The Duke of Wellington had stated in another place, where he had the power of carrying his announcement into effect, that he looked upon the Poor-law as a preliminary measure to the adoption of corporate reform. The noble Duke wanted the rate not solely for the purpose of relieving the poor, but as the standard for the qualification. Such an intimation had certainly been given. Now, he did not think that corporation reform had the slightest natural connection with the Poor-law Bill, notwithstanding the artificial connection which was attempted to be made between them. Between poor rates and tithes he did think that the strongest identity existed. Why? Because both were charges on the land, and both were matters of experiment. And the question was, whether they were not inverting the natural order when they imposed a new charge before they extricated that country from the embarrassments incidental to the great ecclesiastical incumbrances under which it laboured. As he had already stated, he should certainly abstain from all acrimonious topics. All the views which he should take were connected solely with the fiscal part of the subject. Now, let no one say, that the tithes were not a subject connected with Poor-laws. The Commissioners appointed by the Government reported a plan by which tithes might be converted into a plan for the maintenance of the poor. What he wished to ask was, while the tithe question was pending, was it not better to delay the settlement of the Poor-law Bill when the two measures were, to a certain extent, an experiment? Mark the origin of the question. At what time was it pressed on the public mind? In the years of 1829 and 1830, by Dr. Doyle, in his celebrated pamphlets, in which he proposed the substitution of Poor-rates for tithes. He was not in the slightest degree advocating the opinions of Dr. Doyle, he merely stated the fact of Dr. Doyle having proposed, that such a fund should be constituted. What occurred in the year 1831? The Member for Wicklow, seconded by Lord Carew, and supported by a large body of the Irish Members, framed resolutions, by which it was proposed that Poor-rates should be substituted for tithes. In the year 1830, these proposals were brought forward in a pure, an unreformed Parliament, for converting tithe into a land-tax, to promote the purposes of charity and religion. Lord Grey came into office in the year 1830, and in the year 1832 that step was taken with regard to the tithe question which had caused enormous litigation, and had, at this moment, caused a great accumulation of the arrears of tithes. It should never be put out of their consideration that they were now about to make an experiment whilst enormous arrears of tithes still remained due. What was the plan proposed by the right hon. Baronet, the Member for Tamworth, in the year 1835? Why, that right hon Gentleman admitted, that the tithe question never could be settled until they paid off all the arrears. The evil felt then was one which had since increased. What, then, was his argument? That they should not impose a new tax on Ireland before those enormous accumulations were, not to say discharged, but even in the slightest degree reduced. He did not mean to vote against it; his objection to it was, that its exact adaptation to the state of the country was not considered. What was the state of Ireland now? The clergy had claims due to them to the amount of nearly 2,000,000*l*. The clergy themselves owed the State 600,000*l*. The greatest body of the farmers, those whose leases were previous to the Composition Act, owed arrears of five or six years, What was the state of the landlords? Those who let land at 40*s.* an acre, paying 3*s.* tithe, received 37*s.*, and the tenants put the 3*s.* into their pockets. Having reviewed the state of the clergy, the farmers, and the landlords, he wished to know was it judicious at this moment to press a bill of this nature, and to impose a new incumbrance before they got rid of the difficulties incidental to the tithe question? If this Bill were carried without the Tithe Bill it would cause great practical confusion, with a great deal of political discontent. He feared that a feeling would be excited that English Gentlemen were not the best judges of the most effective mode of managing the local concerns of Ireland. What he meant to propose was, not that this Bill should be rejected, but that if a tithe Bill were sent to the House of Lords, and they refused to carry it, that when this Bill came back, the House of Commons should exercise the same privilege and reject the Poor-law Bill unless accompanied by the Tithe Bill. This, he thought, the most safe and effective policy with regard to that country. When first the Poor-law Bill was spoken of they were told that measures for affording employment and giving facilities to emigration would be brought forward. He had not yet seen any Bills introduced for these purposes. What did he want? He wanted a delay of this measure, not its ultimate frustration. A wholesome delay, with a view to adapt it to the feelings of the Irish people. He was the Representative of a great county, by a majority of 1,000, composed not only of 10*l.* but of 20*l.* voters; and in that great agricultural district there existed but one feeling throughout the gentry; the middle-classes, the shop-keepers, and the farmers; all were anxious for the settlement of the tithe question before the Poor-law Bill. They ought not to hurry and precipitate this measure. He was really astonished at the change of opinion which had taken place on this subject. The present Chancellor of the Exchequer was once a vehement opponent of Poor-laws; the Member for North Lancashire was once also a vehement opponent of Poor-laws. So was the right hon. Gentleman, the Member for Tamworth, and the Marquess of Lansdowne. What had produced the change? He admitted there was a change in public opinion, but it was the public opinion of this country, which he knew was peremptory and emphatic. But if measures were to be passed adapted to the state of Ireland, they should prescribe for the whole of Ireland, which now bent and tottered beneath an existing burden. They should take care that they did not, instead of alleviating that, impose another and more onerous load on her back.

Lord *Clements* had listened with very great regret to the speech of his hon. and learned Friend. He was well aware how unequal his talents were to reply to his hon. and learned Friend, but he must be allowed to express his regret at the attempt to mix up two questions which had not the slightest natural connexion. According to the reasoning of his hon. and learned Friend, they might as well make the establishment of a Poor-law contingent on the arrangement of grand jury cess, or any other impost on land. He would maintain that tithes and Poor-laws had no connexion except in the imagination of the hon. and learned Member. He had just returned from Ireland, where, he must confess, he found the measure very distasteful to a great number of the people; but he had also visited the cottages of that country, and the appearance of misery presented by them, only rendered his conviction of the necessity of a Poor-law stronger than ever. It was impossible for any one to avoid that conclusion, more especially if he had seen the contrast afforded by the residences of the English peasantry. He had listened to the speech of the hon. and learned Member for Dublin, and he did not hear in that speech any substitute for a Poor-law proposed as a relief for the destitute poor of Ireland. That hon. and learned Member opposed the measure as bad in principle; that was the position he meant to combat, as his experience had led him to a directly opposite conclusion. The hon. and learned Member asserted that Ireland was too poor for a Poor-law. He (Lord Clements) denied that; he would not sue for his country *in formâ pauperis*—he would maintain that she was capable of supporting her own poor. He thought it a most humiliating thing to hear her principal advocate asserting that she was too poor for a Poor-law. Let them only put their shoulders to the wheel, and if they found the present Bill not to answer, they could easily frame a better, but let them not abandon the principle. Merchants and farmers in Ireland might be opposed to the measure, but there was another class which had not been consulted, the class of the destitute, the aged, and the helpless. It was for that class he appealed when he implored the House not to reject the proposed Bill but to amend it. The hon. and learned Member seemed also to think that the resident landlords would be inconvenienced by the necessity of studying the comforts of their dependents. But he (Lord Clements) would contend that the more they improved the condition of their inferiors the more would their own be bettered. One of the great objections to the Bill was the absence of a law of settlement; but he thought that the provision for electing guardians would be found an ample equivalent for that law, as the power of giving relief was by it delegated to the body of all others the most capable of restricting it to proper objects. He regretted, that the Commissioners were to have a power of electing and removing guardians at pleasure; and it was because of the inconvenience which he knew it would cause the Commissioners, that he regretted it. But when he heard from the Government that it was not intended to put this provision in force, but merely to keep it as an ornamental weapon in their legislative armoury, his regret was very much diminished. To the clause called the *5l.* clause, he was also opposed, but he would nevertheless vote for the third reading of the Bill, in the firm conviction that that unfortunate clause would be repealed. There were other questions of detail, such as the inordinate size of the unions, to which he was opposed, but about which he would not trouble the House; and he would conclude by merely stating his intention to vote for the third reading of the Bill.

Mr. *Lucas* said, that the hon. and learned Member (Mr. Sheil) who spoke last but one had rescued the debate from the langour with which it was threatened by the adoption of an exceedingly novel line of argument. The hon. and learned Member had attempted to connect two subjects, which were wholly and essentially different, and which he thought it was necessary should be kept distinct. The hon. and learned Gentleman said, that it was improper to proceed with the Poor Relief Bill—to lay a new burthen on the poor—because of another burthen which, in his opinion, it was first necessary to get rid of. The hon. and learned Member stated, that there was at present a large sum due for tithes. He would make a proposition to the hon. and learned Member. Would the hon. and learned Member consent to the appointment of a commission to aid the clergy in the recovery of their tithes? There was a million due from the clergy to the nation. Would he vote for a commission to recover that sum? Of the fitness of the hon. and learned Member for a Commissionership, they had had recent proof—let him be one of the new Commissioners. If by his assistance in that capacity the million could be collected they would appropriate it to the building of workhouses. He would now pass from this part of the subject. The hon. and learned Member had taxed the right hon. Baronet, the Member for Tamworth, with inconsistency in supporting this Bill. Now, although he could not pretend to answer for the opinions of the right hon. Baronet, he did not see anything inconsistent in his opposing a Poor-law for Ireland when the English system was full of defects, and afterwards advocating it when those evils had been remedied. He never felt greater difficulty in giving a vote than he did on the present occasion. He had supported this Bill in all its stages, because he approved of the principle, but he had reserved the right of making alterations in the details. He could now, however, go no farther with the Government in carrying out the Bill because he considered that the principle was entirely marred by their management of the details. Of the details, he objected to the exemption of large classes from the rate, and to the great size of the unions. With respect to the last, he had seen a return by which it was proved, that whilst the Irish unions were to contain 400 square miles, seventy-eight miles formed the extent of the English unions. The effect of this would be to diminish the interest and excitement to vigilance on the part of the farmer, as his inducement to vigilance, as compared with the English rate payer, would be a saving in proportion of only 10*d.* to 8*s.* 4*d.* He would not detain the House by any further details nor observations on the law of settlement, which had been already settled by large majorities of that House. He would merely say, that he should prefer the introduction of a Poor-law by gradual and progressive experiments to its being in the first instance generally introduced.

Mr. *William Roche* said, that with respect to those regulations in the details of the Bill, which presented themselves as objectionable to the mind of the hon. Member for Monaghan, who just now spoke, it appeared to him (Mr. Roche) that one year's practical operation and consequent experience, would do more to indicate where we were right, or where we were wrong, than double that period spent in theoretical discussion; debated as the measure had already so amply been, both as regards principle and detail, and conflicting as opinions are on points which can alone be decided by practice and experience. In this view, therefore, it appeared to him advisable to advance the measure into actual operation, and promptly submit it to the decisive test of experience, instead of wasting time in wordy contests. Both feeling and reflection always inclined him, to support the principle of a Poor-law, as alike humane and politic; and history, he believed, proved that those countries were richest and happiest, where, when judiciously devised, it prevailed. That he did so, however, in this instance, not from the preposterous notion, that the present or any one measure could be competent to remedy the various evils which Ireland so long endured—evils generated, not only by centuries of physical neglect, but also by centuries of a vicious and paralysing system of government, a system which called to its aid even the sacred name and functions of religion, not, as Providence designed it, to soothe and allay our frailties and faults, but to foment and aggravate every other cause of social and political discord. But he supported the measure, because, although it could not consummate every thing desirable, yet, in his mind, it constituted a valuable and indispensable first step, and was, when in mature operation, calculated to afford the best basis upon which to establish the many other necessary measures of improvement; and, though not perfect in itself, yet he believed all other remedies would be imperfect without it, which, consequently, rendered it an indispensable commencement. He therefore agreed with the noble Lord, the Member for Leitrim, who took so laudably zealous a part in the progress of this measure, and who gave such valuable aid and information during its respective stages, that though it would not realise every thing we wished, though some of its provisions might demand improvement, yet that we were not to refuse that great good it might, nevertheless, accomplish. In that sentiment he cordially concurred, and in the maxim so familiar to his hon. and learned Friend, the Member for Dublin, that though the whole could not be at once obtained, it was unwise to reject an instalment. He was also disposed, with the right hon. and learned Member for Ripon, to exonerate the English Members from the charge of overpowering all opposition to this measure, by their preponderating numbers, for, on the contrary, he thought they were rather accusable, at least in the Committee, for the paucity instead of the plenty of their attendance. With the same right hon. Gentleman he also agreed, that this would be quite a meagre, incompetent measure, if divested of the power (so far as circumstances would permit) of relieving destitution, from whatever source it might arise; for, of what avail would it be to refuse succour to the starving, though able labourer, because he was not infirm or impotent, when a very few days of that destitution would place him and his family in the category of those privileged by disease and infirmity; and, meantime, would he wait until this extent of misery came upon him and those he loved? Might he not take lawless, as he was deprived of lawful, means of protection; or, if he continued submissive and desponding, the tomb might seize on him, and leave his wife and children a burden upon society. Immediate succour therefore would, in such cases, be not only an act of humanity, but likewise one of policy and economy. But, though entertaining these feelings, he could not advocate a compulsory protection to all the destitute, for it would be impracticable, and would at once dry up the sources of future and continued support. To do as much as they could, without impairing property and capital, was all that prudence and propriety dictate; but when this, and other measures, should reduce the mass of destitution now existing, and when the capital and resources of Ireland encrease, they could with more safety and experience, extend the provisions of this law. He recollected seeing it related in the newspapers, that two men who were convicted in Ireland of a crime, which they apprehended might lead to the highest punishment, passed, as they were led back to prison, preparations for the execution of a similarly unfortunate man—they shuddered, but quickly consoled themselves by saying, that though the pain was dreadful, yet it would be brief, and more endurable than the misery and starvation which brought them to their unhappy condition. If too, this measure, as was hoped by his hon. Friend on his left, and as he hoped, contributed to put a stop to a reckless extermination of the tenantry, and to the horrid system of revenge generated thereby, it surely would be worth some exertion and expenditure. The poverty of Ireland had been repeatedly adduced as a reason for the unfitness of such a measure; but, if his opinion were right, that no small share of that poverty and misery was engendered by the long want of such a provision, that poverty proved a reason for its adoption, rather than the contrary; and he verily believed, that England would be far from her present pre-eminence in wealth and comfort, were it not for the tranquillising effect upon the mass of the community, created by their sense of this protection. The destitute were supported somehow or other now, but not in any fair ratio, by the property of the country. Was it not, therefore, proper to spread the burden equitably and generally, and thereby render it lighter on those possessed of more humanity, or more attentive to the employment and comfort of those under them? But it was, as affording the best stimulus to that attention and employment, that he pointedly valued such a measure. For, long though they had been deliberating and debating upon the improvement of Ireland, see how little had practically been done. It was time for them, therefore, to come to some more cogent principle of human exertion, and none was so stringent as the increase or diminution of expenditure, according as we neglect or attend to the employment and improvement of the people. For these reasons, and thinking it the duty of the Government, and of the community, not to leave the destitute and dying poor to the mere chance of protection, but to make that protection assured and general, as means and circumstances might permit—thinking too, that when maturely established, it would be an increase of economy, as well as of humanity and policy; he would vote for the passing of the Bill, though not without seeing and regretting the great difficulties its progress and success would encounter, from the feeling that pervaded so many, and such estimable persons respecting it. Still he had again to say, that in his mind, it was deserving of every fair trial and support.

Mr. *Poulett Thomson* was sorry to find that the hon. Gentleman opposite (Mr. Lucas), had arrived at the determination that he could not support the bill, for he could assure the hon. Gentleman that his opinion was one on which he was disposed to place great reliance. The hon. Gentleman had given the subject great attention; it was with great satisfaction that the friends of the measure had witnessed the conduct which he had pursued in the Committee, but he would excuse him for saying he did not think that any of the arguments which he had brought forward afforded him a sufficient ground for the withdrawal, in this stage, of his support of the bill. He had said, that he withdrew it because he had difficulties on three points, which he had specified, namely, the size of the unions, the clause with regard to the *5l.* tenants, and the law regarding the settlement of paupers. He would point out that the size of the unions was in no way dependant upon the bill itself, but would be governed entirely by the observations and experience of those who should be appointed to carry out its provisions, and by what should prove useful and most practicable. With regard to the *5l.* clause, he should not have anticipated that any very serious argument of importance would have been raised on that clause. He was aware that the subject had been debated and most properly and fully discussed, but the point was considered so full of difficulties that he did not hear any one assert that the value of it was much either on one side or the other. If this clause had been altered, and a rental under *5l.* had been fixed as the amount which should be rated, it would have been necessary to enlarge the constituencies very much indeed; but it was so evident that great and serious disadvantages would arise from the adoption of this course, that it was felt to be difficult to adopt this proposition, and accordingly the other alternative had been decided on. On these two points, then, he did not think that the hon. Gentleman was justified in withdrawing his support from the bill. The case of settlement he was willing to admit was of far more importance, but while the hon. Member felt so deeply on that subject, he seemed to have put out of consideration the great difficulties which stood in the way of his proposition being carried into effect. It was said that the overseers and guardians would be compelled to give relief to strangers, who would withdraw it, therefore, from those to whom it should be granted, the inhabitants of the district in which the guardians lived. But as there was no compulsory relief, were the guardians compelled to give assistance in one case and refuse it in another? Not at all—they might make their own rules—and, undoubtedly, if they were not to grant it to all, it would be better certainly that those persons who were living in their own neighbourhood should receive it, and that it should not be given to strange paupers. The hon. Gentleman had, however, himself, thrown out the strongest argument against his own proposition, for by his plan of settlement being adopted, all the immense extent of litigation arising from the granting of casual relief, the difficulties attending which had been found so great in the case of the English Poor-law, would arise in a tenfold degree in Ireland, where the habits of the people were migratory, and where destitution and misery existed to so great an extent. He would beg to ask the hon. Gentleman, however, what he was prepared to do in the event of the three points which he had urged being found to be of so much importance as he contended? Was he prepared to leave Ireland without a poor-law? For that would be the effect of the general adoption of the course which the hon. Gentleman had pursued in declining to vote. Knowing the extent of destitution in that country, and knowing as he did, and as he had admitted, the necessity of a poor-law there, was he prepared to allow that destitution and that misery to continue, and to abandon the law altogether? Rather than adopt such a course, was it not better to encounter and endeavour to overthrow the difficulties with which they were threatened? But difficult as this subject was, he had received some confidence from the speeches of those hon. Members who had opposed the third reading of the Bill, for he certainly had found no new argument addressed to the House. No new facts had been discovered which should tend to prove the impropriety of adopting the measure; but the arguments which had been employed were nearly entirely the same as those which had already been used in opposition to the Bill. The hon. and learned Member for Tipperary even had not attempted to grapple with the provisions of the Bill themselves, but by instituting a comparison between its probable effects and those of another measure which was also before them, he had endeavoured to show that the measure was one which the House could not safely pass. This at least showed that there was little which could be urged against the Bill itself, and would tend to show also that little excuse remained to those hon. Gentlemen who should oppose its being passed into a law. But what said an hon. and gallant Member opposite? He had hitherto invariably supported the measure; but he now came forward and said that it was so sweeping and so extensive in its provisions that he had determined to withdraw his support from it. He said, too, that the Government had not varied the bill at all in accordance with the amendments which had been proposed. He denied this on the part of the Government as far as regarded these points, which were not important to the principle and the whole character of the bill; but if the Government had abandoned the right to give relief to able-bodied paupers the chief merit of the bill would have been taken away, and they would be palming a fallacy on Ireland with reference to the Poor-law. The object of a Poor-law, it was said by the hon. and learned Member for Dublin, was to raise the condition of the poor, and to find them labour when it was required. Now, it was no such thing. It was the object of the law to prevent an individual from actually starving, and on the other hand to prevent charitable persons from being imposed on by false representations of want and misery. He was prepared to uphold the application of this principle in any country, almost under any circumstances; but if there was any one country in which its necessity was more plainly exhibited than in another, it was Ireland, and especially in its present state. Was it not notorious that in that country imposition was carried on to a great extent on the humane and charitable, and that mendicancy prevailed so far that there were many persons who made a living by their pursuing that trade in preference to their obtaining honest employment. [Mr. *O'Connell:* No.] The hon. Member might say "No," but must admit that there were cases of deception of a very alarming description. It was impossible in the condition of things that it should not be so, and it was declared to be the case most pointedly by the Commissioners who had been appointed to inquire into the subject. But was not the mode of relief at present adopted infinitely more expensive and attended with much greater waste than that which would be introduced by the bill which was now before the House being carried? Then it was said that Ireland was too poor to support its paupers; he must confess, however, that it did not seem to him to be possible that a country could be found to be really in such a state if the produce was properly distributed. And what class was it by whose kindness and charity that the poor were now supported? It was the poor themselves; and it was owing to their character and their religious feelings that their present support was to be attributed. There was nothing to compel the wealthy—there was nothing to compel the landholders—there was nothing to compel those who might themselves be the cause of the great increase of pauperism, by their neglect of their own property, or by their proceedings, with a view to political objects, to support the poor. He knew many persons in Ireland who were most charitable, and who were willing to lend their aid in procuring the necessary means of subsistence to the poor of the country, but it was not justice that on those few should be left the whole charge, which they perhaps were little able to bear, but those who had the means should be compelled to provide for the destitute. He had himself seen a case in Ireland where he witnessed more human misery and destitution than he could have imagined. In a town which he visited he found the people living in wretched hovels, which were without windows and without doors, while the wretched inmates were unprovided even with straw to make their miserable beds, and yet they were paying a yearly rental of 30*s.* or 40*s.* to their landlord. He had the curiosity to ask what was the probable income received by the proprietor from the estate, and he was assured that it could not be less than 20,000*l.* Did the individual to whom he referred support the poor? Did he contribute in aid of the funds of any of the excellent charitable institutions of the neighbourhood of his estate—or did he, as the poor man always did, give "the bit and the sup" to the poor peasant who came to see him? In the whole course of his inquiry he could find but one instance in which any portion of the great fund which he received had been appropriated to charitable purposes on the estate. The fact was, that all the regulations, however excellent they might be for the maintenance of houses of industry, were inoperative, because they were not compulsory. He contended that it was the duty of the Legislature to provide some uniform system for the relief of the really destitute, and thus get rid of the difficulties they now had to contend with. He could not, therefore, let the bill go to a third reading without expressing a hope that it would receive the general assent of the Legislature, although he admitted most exaggerated views had been adopted of the benefits to arise from it, as well as of the evils that would follow from it. With respect to the question of vagrancy, he admitted that it was necessary for the working of this bill that some sound system of vagrant laws must be introduced into Ireland, and also that assistance must be afforded in some shape or other for the employment of the poor. He thought that even in a pecuniary point of view it would be advisable to effect local improvements in many districts in Ireland.

Mr. *M. J. O'Connell* stated, that he having come to the conclusion that some provision should be made for the poor of Ireland, he had voted against many of his Friends with whom he always was unwilling to differ, and for the bill going into Committee, but he did so in the hope that many amendments would be introduced into the bill. He had, however, been disappointed in this respect, for none of the amendments that he had desired had been made in the measure, and he regretted that he could no longer give it his support. He thought that in the present state of Ireland it was desirable that there should be some system of Poor-laws established, but he feared that the present measure would rather have the effect of paralysing than bringing out the resources of the country.

Lord *Stanley* was very unwilling to trouble the House, and should do so but very shortly at that stage of the bill. But he could not bring himself to vote for the third reading, without guarding himself against its being supposed that he approved altogether of the principle of the bill, and was in no doubt and uncertainty as to many of its details. He never felt more doubt and reluctance than he did with respect to the vote he was about to give, because he shared with the Government, for the Government must share in that doubt and participate in his ignorance as to many of the calculations, and the data upon which the measure had been framed. He said this because many of the provisions of the bill were left entirely dependent on the contingent opinion of the

Commissioners, while, with respect to others, the House was left in entire ignorance as regarded those who had to pay the rate and who were to be the recipients of it. The bill did not state whether there was to be one workhouse or one hundred; and the Government had not said whether there was to be one hundred or one thousand; and it had not been pretended to be shown what would be the amount of the charge on the landlords, whether they would be able to bear it or not; but the whole matter rested on the unlimited and unrestricted authority of the Commissioners as to what was to be the amount of the tax on the whole of Ireland. The opinion also of the Commissioners was at variance as regarded the amount of relief required. Mr. Nicholls said that 100 workhouses to hold 80,000 persons, would be sufficient—that was, that 80,000 persons alone should be received into the workhouses and receive relief out of the rate; but the Commissioners said there were between 2,000,000 and 3,000,000 whom it would be necessary to receive into the workhouses, and therefore there were no data on which the House of Commons could determine whether the minimum of 80,000, or the maximum of 2,000,000 was most likely to approximate to the truth. As far as his own opinion went, 80,000 was far below the amount, if the measure was to have any sensible operation on the miserable population of Ireland. In England relief was administered, according to Nr. Nicholls, to one per cent. of the population, and were they to be told that a greater degree of relief was not required for the destitute poor of Ireland? But in England also the amount of relief given in the workhouses was only as one to eight to that given out of them. How much larger then must the proportion be in Ireland? He only said, on raising this question, that the bill was about to be worked in ignorance, for neither the Government or the Commissioners had the means of knowing it. And then the Commissioners were to have the power of building as many workhouses as they thought fit. It was said there were to be 100, yet they might build a thousand—there was no limit to the amount of expense which the Commissioners might incur, and that without the consent of the rate-payers; nor was there any limit to the provision they might choose to make for the relief of the destitute. But in England if the Commissioners formed too large a union, or built too large a workhouse, the latter would cover the whole amount of destitution, and the first expense, though heavy, might in the end be economical. This, however, could not be the case in Ireland, because the Commissioners had power and unlimited discretion as to the size of the union, and the building of workhouses within it, and the result might be, that in those large unions maintained by local taxation, if the workhouses were not full of their own poor, they would be resorted to by persons from every quarter of Ireland, who had no claim upon this particular locality. His right hon. Friend (Mr. P. Thompson) had said it was impossible to introduce vagrancy clauses into this bill; but admitted that they ought to be adopted, although it was considered improper to introduce them here. But he (Lord Stanley) conceived that it would be impossible, consistently with justice, to introduce a vagrancy law, because they could not punish vagrancy, and at the same time refuse a legislative claim to relief. It could not be done without giving the poor of each particular district a particular settlement; and without a law of settlement, they would find it extremely difficult to force any thing like a local assessment, more particularly when the power was taken away from the people of restraining their own expenditure, leaving all matters to be regulated by the Commissioners with regard to the levying of the burden of the poor-rate. He had urged these objections before, and he only reiterated them now because he was ignorant, as the Government was ignorant, and the Legislature was ignorant, of what the moral effect of this measure on the population of Ireland would be. He felt disposed, therefore, the more he considered the subject, to throw the whole responsibility of this measure on the confidential advisers of the Crown. He felt that the time had arrived when the adoption of the proposition for affording legislative relief to the destitute in Ireland was absolutely necessary. That necessity was confessed by every man who had seen, or who, not having seen, had yet considered the amount of distress and poverty which prevailed in Ireland, and all felt that relief, for absolute destitution, was necessary, in looking to the present state and condition of that country. But would any one say other than that the

Government, and the Government alone, ought to be held responsible for the success or failure of this measure. It might be that if these Gentlemen, on either side of the House, who had opposed the bill were to unite, they might overthrow the measure; but could they introduce another with any chance of prosecuting it with success? Entertaining great doubts as to many parts of this bill, which went to appoint Commissioners to afford a remedy for destitution in Ireland—considering it a great and dangerous experiment as regarded the landlords of Ireland, of whom he was one, yet he could not take upon himself the responsibility of saying that the bill should not go up to the other branch of the Legislature, where he had no doubt of its receiving that due consideration which it required, and where there were so many noble individuals connected with Ireland, who would be enabled to afford to that House the result of their matured experience on this subject. He would not, therefore, interfere to stop the progress of a measure which, although as a measure of relief, it might prove inadequate, was imperatively called for by hon. Members on all sides of that House; still, entertaining all the doubts he had expressed, he felt himself compelled, however reluctantly and hesitatingly, to give his support to the third reading of the bill.

The House divided on the original question:—Ayes 234; Noes 59: Majority 175.

List of the Ayes.

A'Court, Captain
Adam, Admiral
Ainsworth, P.
Alsager, Captain
Alston, R.
Andover, Viscount
Anson, Sir G.
Baines, E.
Baring, hon. W. B.
Barnard, E. G.
Barrington, Viscount
Barron, H. W.
Beamish, F. B.
Bellew, R. M.
Benett, J.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blackburne, I.
Blackett, C.
Blackstone, W. S.
Blake, W. J.
Blakemore, R.
Blennerhassett, A.
Blewitt, R. J.
Blunt, Sir C.
Bolling, W.
Brabazon, Lord
Briscoe, J. I.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Brownrigg, S.
Bruges, W. H. L.
Bryan, G.
Burroughes, H. N.
Busfield, W.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chalmers, P.
Chandos, Marquess of
Chetwynd, Major
Chute, W. L. W.
Clay, W.
Clive, E. B.
Clive, hon. R. H.
Codrington, Admiral
Collier, J.
Collins, W.
Courtenay, P.
Craig, W. G.
Crompton, S.
Dalmeny, Lord
Darby, G.
Davies, Colonel
D'Israeli, B.
Divett, E.
Duckworth, S.
Duff, J.
Duke, Sir J.
Duncan, Viscount
Dundas, Captain D.
Dundas, F.
Dundas, hon. J. C.
Dundas, hon. T.
East, J. B.
Ebrington, Viscount
Elliot, hon. J. E.
Ellice, Captain A.
Estcourt, T.
Feilden, W.
Fellowes, E.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, Lord C.
Fox, G. L.
Freshfield, J. W.
Gordon, R.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Graham, right hon. Sir J.
Grattan, J.
Grey, Sir C. E.
Halford, H.
Hall, B.
Halse, J.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heneage, E.
Henniker, Lord
Hepburn, Sir T. B.
Hill, Lord, A. M. C.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hollond, R.
Holmes, W.
Horsman, E.
Houstoun, G.
Howard, F. J.
Howard, P. H.
Howard, R.
Howick, Viscount
Hume, J.
Hurt, F.
Ingham, R.
Inglis, Sir R. H.
James, W.
Jenkins, R.
Jermyn, Earl of
Johnstone, H.
Kinnaird, hon. A. F.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Loch, J.
Long, W.
Lowther, J. H.
Lygon, hon. General
Lynch, A. H.
Mackenzie, W. F.
Mackinnon, W. A.
Macleod, R.
Mactaggart, J.
Master, T. W. C.
Maule, hon. F.
Maule, W. H.
Maunsell, T. P.
Miles, W.
Miles, P. W. S.
Morpeth, Viscount
Morris, D.
Muskett, G. A.
Nicholl, J.
O'Brien, W. S.
O'Callaghan, hon. C.
Ord, W.
Paget, F.
Pakington, J. S.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Philipps, Sir R.
Phillips, M.
Philips, G. R.
Pinney, W.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Powerscourt, Viscount
Protheroe, E.
Redington, T. N.
Reid, Sir J. R.
Rice, E. R.
Rice, right hon. T. S.
Rich, H.
Richards, R.
Rickford, W.
Roche, W.
Rolfe, Sir R. M.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.

Scrope, G. P.
Seymour, Lord
Sharpe, General
Sheppard, T.
Sibthorp, Colonel
Sinclair, Sir G.
Slaney, R. A.
Smith, J. A.
Smith, R. V.
Somerset, Lord G.
Somerville, Sir W. M.
Speirs, A.
Spencer, hon. F.
Stanley, Lord
Stanley, W. O.
Staunton, Sir G. T.
Steuart R.
Stewart, J.
Stuart, H.
Stuart, V.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Sugden, rt. hon. Sir E.
Talfourd, Sergeant
Tancred, H. W.
Teignmouth, Lord
Thomson, rt. hon. C.P.
Thornley, T.
Troubridge, Sir E. T.
Turner, E.
Tyrell, Sir J. T.
Vigors, N. A.
Villiers, C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Walker, C. A.
Ward, H. G.
Welby, G. E.
White, S.
Williams, W.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, G. W.
Worsley, Lord
Wyndham, W.
Wyse, T.
Yates, J. A.
Young, Sir W.

TELLERS.

Clements, Viscount
Stanley, E. J.

List of the NOES.

Acheson, Viscount
Adare, Viscount
Archbold, R.
Bailey, J., jun.
Brabazon, Sir W.
Browne, R. D.
Buller, Sir J. Y.
Chapman, Sir M.L.C.
Cole, hon. A. H.
Cole, Viscount
Conolly, E.
Coote, Sir C. H.
Corry, hon. H.
De Horsey, S. H.
Duffield, T.
Dunbar, G.
Duncombe hon. A.
Evans, G.
Ferguson, Sir R.
Ferguson, Sir R. A.
Finch, F.
Fitzgibbon, hon. Col.
Fitzsimon, N.
French, F.
Gore, O. J. R.
Granby, Marquess of
Grattan, H.
Grimston, hon. E. H.
Hayes, Sir E.
Heron, Sir R.
Hillsborough, Earl of
Hodgson, F.
Hughes, W. B.
Hutton, R.
Jones, T.
Kemble, H.
Kirk, P.
Lockhart, A. M.
Lowther, Colonel
Mackenzie, T.
Macnamara, Major
Meynell, Captain
Milton, Viscount
Nagle, Sir R.
O'Brien, C.
O'Connell, D.
O'Connell, M.
O'Neil, hon. J. B. R.
Perceval, Colonel
Perceval, hon. G. J.
Pryme, G.
Roche, E. B.
Roche, D.
Scarlett, hon. R.
Tennent, J. E.
Trench, Sir F.
Verner, Colonel
Walsh, Sir J.
Westenra, hon. H. R.
White, L.

TELLERS.

Castlereagh, Viscount
O'Connell, M. J.

On the question that the bill do pass,

Mr. *O'Connell* wished to make two remarks. One of them was in reference to something which had fallen from the right hon. Member for Manchester, who had stated that in the present state of pauperism in Ireland, there were many cases of imposition. This was an assertion in the very teeth of facts, for the whole evidence on the subject proved that there was a universal anxiety in the minds of the Irish people to labour whenever they got work to do. This, therefore, was a calumny on the Irish people which ought not to have been uttered by the right hon. Gentleman. Again the noble Member for Bath had talked of the agitation which had been got up against the measure. The noble Lord might be assured that he (Mr. O'Connell) would have found it much easier to get up an agitation in favour of the bill, but he had throughout given the measure his honest opposition, because he thought it calculated to injure Ireland, and he would give fair notice that he would never cease, by all honest agitation, to endeavour to get rid of the evils of the measure. His full belief was, that as soon as the Protestant farmers in Ireland began to find themselves as much aggrieved as the Catholic farmers by the bill, a community of suffering would produce a community of desire for the restoration of a separate Parliament to Ireland.

Viscount *Castlereagh* said, that, for his part, in giving his vote against the third reading of this bill, he had been in no small degree influenced by the feeling that nothing was more calculated to weaken the attachment of the Protestants of the north of Ireland to the English connection than a measure passed by a majority of English Members, without consideration of its details, or the consequences likely to arise from it. He said this, not so much in reference to his own feelings on the subject, but in reference to the population of Ireland, who were easily excited by any grievance which might be urged on their attention by those who took the trouble to do it, and which was of a nature to come home to their hearts. He had witnessed the third reading of the bill with deep sorrow, but he derived no slight consolation from his confident expectation that its provisions would be modified in that place where wicked measures were sure always to find a salutary check.

Lord *John Russell* could not allow the Bill to pass its last stage without loudly protesting against the language which had been used by the noble Lord, when he asserted that the Bill had passed its third reading by a majority of English Members, who had not considered its details or its consequences. He thought that those Irish Members who opposed the Bill, or who gave way to language such as that of the noble Lord, did an injustice not only to themselves but to the whole of the Representatives for Ireland. This very measure was produced last year in all its details, and having half gone through a Committee of the House in the course of the past Session, every part of it was necessarily well known in Ireland at the time. Its second reading was supported by a large majority of Irish Members, and under these circumstances it was an exceedingly unfair and unjust representation of the legislation of that House to say that the Bill had been carried solely in consequence of the support of an English majority, who had not considered its details or its consequences. He could safely say that, with the exception of the English Poor-law Bill, which was so long in Committee, no measure had been more fully considered. He might remark that, if he had taken no part in this debate, it was only because he considered almost every argument on the subject exhausted, that the question had been put in every light in which it possibly could be put by hon. Gentlemen who had paid the closest attention to the subject. With the exception of the English measure, he could safely say that he hardly knew any Bill which had been more anxiously and carefully considered, or which could be more honestly described as having received the deliberate and dispassionate sanction of the House.

Bill passed.

Medical Charities (Ireland).] Mr. F. French moved the second reading of the Medical Charities (Ireland) Bill.

Mr. *Smith O'Brien* hoped, that the hon. Gentleman would not that night press the Bill to a second reading, as a great number of Irish Members wished to take part in the discussion.

Mr. *F. French* was sure that his hon. Friend would object any further to the course he proposed, when he understood that the discussion was to take place in Committee. An arrangement had been made by the delegates from Ireland, which was sanctioned by the English and Scotch Colleges, and which was approved of by Sir B. Brodie, Sir A. Cooper, Sir A. Carlisle, and others. They were anxious, before the discussion took place, that the details of the Bill should be before the House, and that some alterations should be made. He merely meant that the Bill should go into Committee *pro forma*, and afterwards that the discussion might take place.

Mr. *Wakley* said, that with the understanding that the Bill should be brought forward at an early period of the evening; before the Committee was gone into, he hoped that no objection would be made to the course now proposed by the hon. Member for Roscommon. The Bill, in his opinion, required very material alterations.

Mr. *O'Connell* observed, that the importance of the Bill could not be exaggerated; and if it were not brought on at an early hour in the evening, it would be impossible to have its merits discussed without an adjournment.

Sir *Robert Peel* hoped, that an opportunity would not only be given for a full discussion upon the general principles of the Bill; but also, that portion of it in which the medical practitioners were so deeply interested. A full opportunity ought to be given for considering that very important question. There ought to be an interval of time between the details of the Bill being laid before them, and the moment when the House would be called upon to take them into consideration.

Sir *Robert Fergusson* remarked, that there were two principles in this Bill—one was that in which the medical practitioners felt most deeply interested, and the other was that to which he most strongly objected, namely, that which gave a power to a certain Committee of medical gentlemen to have placed under them the medical charities in Ireland, and to assess the counties in Ireland as they might think fit. He could not allow the second reading of the Bill to pass unopposed, if it were intended to retain that part of the Bill. The Grand Juries of Ireland ought not to be deprived of the power of regulating and controlling the expenses to be imposed upon the rate-payers by any superintending Charity Board whatever. He would not wish to give to any such board the power of imposing what sum they liked, without the Grand Jury being able to control the expenditure. He objected so much to that principle in the Bill, that he should move that this Bill be read a second time that day six months.

Mr. *F. French* was as anxious to save the amount of the county cess as the hon. Member who had just spoken. That which had been objected to, he did not hold to be a part of the principle of the Bill, as the principle was for the extension and protection of medical charities in Ireland.

Mr. *Warburton* said, that there was one portion of the Bill to which he objected, namely, that the commission under the Bill, to whom very great powers were given, was to consist only of professional men. If there was to be a Board of Management, there should be laymen added to that Board.

Lord *Clements* believed, that the strongest objection would be felt to this Bill. He took that opportunity of saying that he intended to vote against it. He did not expect the Bill could go through Committee. If he were to vote for the Bill, one of the most essential principles of the Bill must be omitted by his hon. Friend. This Bill gave a contract of money to others than those who paid the tax. He could not consent to take the money of the cess-payers, and leave it to the control of those who did not pay cess. He admitted that great advantages must be derived from improving the position of the great medical colleges, and therefore, this Bill would be so far beneficial; but he objected to its introducing the power of taxing the Irish people for purposes of obtaining an advantage for medical people. He objected to the Bill altogether, and was then prepared to go into its discussion.

Viscount *Morpeth* called upon the House to give its support to this Bill, because the object of it was not that which it had been represented to be. They could not have a full and proper discussion on the Bill before it was committed, as they were prepared to make very essential alterations in it. Hoping, then, that his hon. Friend would be allowed to proceed with the second reading, with the understanding that plenty of time would be given for its subsequent discussion, he begged to be understood as no further pledged to the principle of the Bill than this, that he expected they would be able to devise some efficient mode for the inspection of medical charities in Ireland. As to the composition of the Board, and the particular powers to be given to the Board, they were points which required the greatest consideration.

Bill read a second time.

HOUSE OF LORDS,

Tuesday, May 1, 1838.

MINUTES.] Petitions presented. By Lord KENYON, from Shrewsbury, against a grant to Maynooth.

POOR-LAW (IRELAND).] Lord John Russell and others brought up the Poor-law Bill for Ireland.

Viscount *Melbourne* moved the first reading of the Bill, which was accordingly read a first time. He proposed to take the second reading on Friday, the 11th instant, as by that time he apprehended noble Lords connected with Ireland would be in attendance. He did not wish to press it on too early in its second stage, because it was a subject of so much importance that he wished noble Lords to have ample means of examining its details.

The Marquess of *Clanricarde,* after alluding to the proposition of the noble Duke opposite, last Session, on the subject of the Irish Municipal Corporations Bill —for postponing that measure until it was seen what the other measures were which were intended for Ireland—expressed a hope, that their Lordships would agree with him in thinking, that it ought to be seen, at least, what the nature of the Bill was on the subject of tithes in Ireland, which Government was to bring forward, before the Poor-law Bill for Ireland was pressed to a second reading. The landlords of that country had a heavy charge upon them as regarded the tithes. There was a large arrear of them at that moment owing, and he thought it only fair and reasonable towards that class of persons, that they should see what the measure on the subject of tithes was before they were called upon to sanction this Bill now brought up from the other House of Parliament. Under these circumstances, therefore, he was of opinion, that the measure should not be proceeded with beyond its first stage, until the Bill on the subject of tithes had been introduced into the House of Commons. He was well aware, that as a money bill it was not for their Lordships to originate it, nor alter it, but they ought to be informed of its provisions before being called upon to give their sanction to the Bill now before the House.

The Earl of *Limerick* said, he had a petition to present from the grand jury of the county of Limerick against the Bill, and he believed it contained the sentiments of almost all, if not the whole, of the grand juries of Irish counties—indeed, he might say all of them. This was a question upon which all parties were united in that country. There was unfortunately enough of religious animosity and political strife prevailing upon many other topics, but upon the introduction of a measure of this sort but one opinion prevailed, and that was deprecating it. It was a measure, he believed, which would cause great mischief and vast ruin, and, in his conscience, he believed it would go more towards promoting the separation of the two countries than anything that had ever taken place.

The Marquess of *Londonderry* trusted, that the noble Viscount would fix a later period than that he had named for taking the second reading of the Bill, in order that noble Lords connected with Ireland might have ample means afforded for considering it. There were numerous petitions to present from the northern part of Ireland; he had several in his possession, and others, he had been informed, were in preparation, and he could assure the noble Viscount at the head of her Majesty's Government, that even his strong political adherents in that part of the kingdom were averse to the Bill. For his own part he begged to add, that when it was proposed to be read a second time, he should certainly take the sense of the House upon it.

The Duke of *Wellington* said, that the object of the noble Marquess (Clanricarde) would be answered by the Bill proceeding no further than deferring the period for the Committee (after it had been read a second time) until it was seen what the nature of the other measure was to which the noble Marquess had alluded. He must say, he thought the noble Viscount had not given sufficient time between this and the period he had mentioned for the second reading. He would, therefore, suggest, that the second reading should not be moved before the Monday or Tuesday after the day now named by the noble Viscount.

Lord *Lyndhurst* thought, that his noble and learned Friend (Lord Brougham) ought to be present, who had taken so conspicuous a part in the Poor-law Bill for England, and his noble Friend would not have returned from the Continent by the 10th instant.

The Earl of *Glengall* remarked, that it had been said by his noble Friend near him (Lord Londonderry) that in the northern part of Ireland the feeling of the country was against the introduction of such a measure, and he (Lord Glengall) could bear his testimony, as far as some portions in the South of Ireland were concerned, that a similar feeling prevailed there; so that it was pretty clear what the provinces of Ulster and Munster thought on the subject.

Viscount *Melbourne* could have but one wish, which was, that the measure should have the most impartial consideration, and that ample means should be afforded all noble Lords interested in the question to be present, when the principle of it was discussed. He had imagined, when he named the day for the second reading, that he should be told he was delaying and not as now, hastening its progress. If there was also any desire to see what the other measure alluded to by the noble Marquess, who had spoken first in the discussion, was, he would rather it should be on the motion for the second reading than afterwards. But he thought the position of things was different from what was presented last year. The Municipal Corporations Bill was deferred because the other Bill, the basis of the Irish legislative measures—the Irish Poor-law Bill, was not then in the House. But now that the Bill was there, it was sent up as the basis of the whole measures, and it was not a little unreasonable to ask that it should be deferred until the less important measure was produced. He was not surprised to hear, that a difference of opinion existed upon the subject, because the measure was undoubtedly one of very great importance. It had been discussed in the other House of Parliament without any party feeling being mingled up with the consideration of the subject, and he trusted and believed, that their Lordships would give it the same quiet and dispassionate consideration here. After these few remarks he would only add, that as it appeared to be the wish of many noble Lords that the second reading should not take place on the day he had named, he had no objection whatever to defer it.

Bill to be read a second time on the 14th of May.

THE CORONATION.] The Marquess of *Londonderry* wished to put a question to the noble Viscount, with a view of explaining away the discrepancy which appeared between the answer he had given last night, and that given by a noble Lord (Lord John Russell) in another place, on the subject of the Coronation. The noble Viscount had stated, that no alteration would be made in the ceremony: now, as it appeared in the proclamation, there was to be no procession; but the statement made last night by the noble Lord elsewhere was, that a procession was intended. Now he wished to know from the noble Viscount whether there was to be a procession, and if so, whether it was to be a walking procession, or one in carriages?

Viscount *Melbourne* said, at the former coronation there was no procession, but in the present there was to be a carriage procession from the Palace to the Abbey.

The Marquess of *Londonderry:* Then am I to understand that there is to be no alteration in the arrangement respecting the banquet?

Viscount *Melbourne:* In that respect no alteration is made.

NEW POOR LAW.] Earl *Stanhope*, after presenting two petitions for the total repeal of the new Poor-law Act, adverted to a petition presented before the recess, by a noble Lord (Sidney), from the chairman and deputy chairman of the West Kent Union, and which petition he had described as not conveying the sentiments of the Board of Guardians generally, but only the parties whose signatures were attached to it; and he had now an authority which set that matter beyond dispute, and there was reason to suppose that the petition had originated with Mr. Tuffnell, one of the assistant commissioners. He (Lord Stanhope) had full authority for giving the name and address of a rev. gentleman, the rector of a parish in Kent within that union, who had addressed to him the letter which he now held in his hand, and which he would read to their Lordships. He had been taunted with having produced no authority for his statements, but he thought he should be taunted no longer with that. The letter was in these terms, and was from the rector of Horsmonden, Kent, dated March 21, 1838:—

"My Lord,—Knowing the great interest you take in the Poor-law question, I take the liberty of informing your Lordship that petitions will shortly be presented to both Houses of Parliament from the chairmen and vice-chairmen of sundry unions in Kent. I think it very likely that an attempt may be made to prove that they speak the sentiments of the different boards over which the petitioners preside; but if so, the deception ought to be exposed, as I believe that the documents were in some instances signed without any communication whatever with the guardians. I have some reason to suppose that they originated with Mr. Tuffnell, the assistant-commissioner, who, I know, summoned a meeting of chairmen and vice-chairmen at Maidstone; and I am the more inclined to believe this from the high commendation bestowed on the interference of the commissioners and their assistants, which, to my certain knowledge, has often been deemed both uncalled for and vexatious by Boards of Guardians. The gentlemen who signed the petitions have a right to their own opinion respecting the principle of the new Poor-law; but when they say, that 'few or no cases of hardship arising from its operation have come to their knowledge,' they assert what every unprejudiced Member of the boards over which they preside must know to be grossly incorrect.

"If this petition should be presented to the House of Lords in your Lordship's presence, I feel persuaded you will prevent its going forth to the world as speaking the general sentiments of Boards of Guardians.

"I can safely say, that in my own parish, and the neighbouring one of Brenchley, the rate-payers generally see the necessity of some change in the law."

He would also, with their Lordships' permission, read another letter from the same rev. gentleman, which went to support his (Earl Stanhope's) view of the question:—

"My Lord,—You were kind enough to say you would present another petition on the Poor-law from my parish; I beg, therefore, to forward one to your Lordship. It speaks of the lamentable consequences resulting from the refusal of out-door relief, and, in my experience as an *ex officio* guardian and as a clergyman, I can vouch for the justice and truth of this designation. Perhaps it would be more correct to speak of fatal consequences. I will not confine myself to what we read of the dreadful disclosures made by Mr. Bowen in the Bridgewater union. I speak of facts to which I can testify myself. Nearly all the persons who were ordered into the Tunbridge union workhouse from my parish this winter have been more or less ill since they left it. Several have lost members of their families, But the case within my own knowledge, which speaks most loudly against the harsh and cruel refusal of out-door relief is this:—A poor man, residing in my parish, but belonging to Brenchley, was temporarily out of work. Nothing could be said against his character. He and his family were ordered into the house. Not long had he been there before his children were taken ill. He lost one fine boy; and both he and his wife being much attached to their children, and fearing they should be deprived of more of them, they resolved to leave the House, though quite uncertain whether they could procure work or not. I saw the poor man's wife before she went into the house, and after she came out, and I was shocked at the change. She was previously as fine a looking and as healthy a young woman as ever I saw; and when she returned home she was the picture of debility and destitution. She never regained her health; and soon after, being attacked with a sudden severe seizure of cold, she was unable, from sheer prostration of strength, to contend against it, and she died in a very few days, leaving a husband, who was much attached to her, and five or six young children, to lament their sad and irreparable loss. This was a victim of the harsh and unchristian provisions of the Poor-law Amendment Act. I have little doubt (humanely speaking) that had a little temporary out-door relief been afforded to this family, the poor boy who died in the workhouse and his unfortunate mother would at this moment be alive. I believe many instances of the same kind might be brought forward. This I give on my own authority, and I beg your Lordship will make whatever use you please of the statement. The name of the man is Thomas Bury.

"P. S.—In the Ticehurst union, they are now unable to take paupers into their house, from the fact of the small pox being prevalent there; but in conformity with the principles of this most cruel law, the guardians afford relief to the unfortunate unemployed labourers as scantily as possible. Their plan is this.—If a man has a very large family, they make him walk from any part of the union to Ticehurst, where work is found for him at 1s. 8d. per day, for three days, and these earnings are all that he and his family have to live upon for the week. If his family be small, he has only two days' work. I give this statement on the authority of a clergyman of that union. I am happy to say, the neighbouring clergy agree with me in condemning the harsh provisions of the law; and I cannot help fearing that, unless your Lordship's benevolent exertions to mitigate them are crowned with success, a rise among the unfortunate sufferers (and who could wonder at it) may be expected."

The Earl of *Hardwicke* thought, that the noble Earl ought to submit the case mentioned in the letter to the Committee sitting to inquire into the operation of the Poor-law Amendment Act.

Earl *Stanhope:* I did not read it as a public letter; I read it as a private letter, and I stated who was the author of it.

Viscount *Sydney* said, that the petition to which the noble Earl had alluded had been agreed to at a meeting of the chairmen of the boards of the different unions in the western division of the county of Kent, which unquestionably had been convened at the desire of Mr. Tuffnell, the Poor-law Commissioner. Mr. Tuffnell, however, had nothing to do with that petition. It had been drawn up by one of the guardians, and he (Lord Sydney) had proposed it for adoption. It had been carried by a very large majority, and not one of the chairmen of boards of guardians had omitted to sign it. It might, therefore, very fairly be taken as the petition of the different unions in that district of Kent.

Lord *Wharncliffe* said that, in order to give the noble Earl an opportunity of having the case which he had just mentioned investigated by a Committee, he would now, without any circumlocution, move that the papers respecting the operation of the Poor-law Amendment Act, which had been presented in pursuance of the order of the House of the 26th day of March, be referred to a Select Committee. He would also move that the letter which the noble Lord had just read be also referred to the same Committee, and he would further move that such Committee do examine into the several cases alluded to, and report the evidence taken, together with the opinion of such Committee thereon. [The noble Baron named the Peers whom he wished to have appointed on the Committee.] He had not, he said, put the name of Earl Stanhope upon it; but if that noble Earl would assist in the inquiry, it would be of great advantage to have that noble Earl upon it. The noble Earl had told him on a former occasion that he would have nothing at all to do with the Committee, and that he would not give it any information. If the noble Earl had reconsidered his former determination, he should have no objection to add his name, with that of Lord King, to those which he had named on the Committee.

Earl *Stanhope* said, that it was not his intention to trouble the House with many observations on this subject; but, with regard to himself, he must just observe that he found his own name in the papers alluded to by the noble Lord. They had, however, been printed so very recently, that he had not had time to examine them, and to see whether they agreed with the originals. With respect to one of the cases, which he had formerly referred to, he had now the permission of his correspondent in Sussex to state his name, which, without his permission, no power on earth, not even the authority of that House, would have extorted from him. If it should be the pleasure of the House to summon his correspondent as a witness, his correspondent would be able of himself to furnish the Committee with innumerable cases, more indeed than would be sufficient to occupy its attention for the remainder of the session. For his own part, he had no wish to be a member of the Committee; neither had he any wish to decline being a member of it, supposing their Lordships should name him as one of its members. He attached little value to the investigation which it was about to undertake, opposed as he was to the principle of this most unconstitutional, and he would even add, most unchristian measure. Besides, the investigation itself was on one side too limited, and on the other too extensive. He supposed that the noble Baron intended to include within it the observations of his rev. friend, Mr. Bull, of Bradford. One of Mr. Bull's allegations was, that a cripple had been sent to one of these new asylums, as a noble Lord had been pleased to designate one of these places of punishment for all persons who had the misfortune to be paupers, and had there been treated with great severity. There was nothing extraordinary in that. Another of Mr. Bull's allegations was regarding a pauper who had committed suicide in one of the Poor-law bastiles, and on whom a verdict of insanity was returned. Mr. Bull had said that it ought to have been a verdict of "Wilful Murder" against those who had combined to oppress the poor, meaning nothing thereby except that the suicide was owing to the severity either of those who framed, or of those who enforced, the existing law. The third of Mr. Bull's allegations was, that in one of the new workhouses a young woman had been flogged like a soldier for some offence, which was not named. He had received from Mr. Bull the copy of a letter, which he had communicated to the chairman of the Committee sitting in another place, and in that letter Mr. Bull stated that he found upon inquiry that the woman had not been scourged at all. He did not think that any further inquiry into that allegation was required, and it might therefore as well be expunged from the papers which the noble Baron had referred to the Committee. The proposed investigation was therefore too extensive in this respect; but then, to make matters square, it was too deficient in another respect, which he would briefly mention. Their Lordships had heard much of the extreme injustice to which the Poor-law Commissioners were subjected, in being exposed thus perpetually to attacks from anonymous accusers. Now, before they made such a complaint, it was incumbent upon them to show that where they had been attacked by accusers who had given their names, they had made inquiry into the truth of those accusations. Some cases of complaint had been stated anonymously on account of the unwillingness of the parties to be examined by the Committee of the House of Commons. But there had been innumerable cases of extreme hardship under the new law furnished by parties who had given both their names and their addresses. He should much like to know whether any investigation had been made into those cases. He had at that moment in his desk at home a letter from a clergyman of the Church of England, residing in Dorsetshire, who was not one of his usual correspondents on the Poor-law. That clergyman said, "I and others of my brethren could give you important information as to the working of the new law, but we are afraid to do so;" and he made this request at the end of his letter—"I must request of you that my name may be kept a complete secret." [*Hear.*] He was glad to find that the noble Duke (Richmond) was present to cry out "*Hear*" He hoped that that noble Duke would not only hear, but ponder well on these facts. It might be supposed that the subject of that letter was nothing less than treason, and so it was; but not against the Sovereign of this country, but against the three kings of Somerset-house, who were far superior to the Queen in power. The letter enclosed merely a copy of verses on the new Poor-law, which the writer thought might be published with advantage. Now, if a beneficed clergyman of the Church of

England was so extremely alarmed at the idea of having his name divulged, when the whole *corpus delicti* was the writing of some verses, good or bad, against some features of the Poor-law Amendment Act, could it be a matter of surprise that those who were, or might become, personally subject to the severities of that cruel and most detestable law, should feel some reluctance to encounter the consequences of public exposure? He certainly should move, that the letter he had received from the Rev. Thomas Smith Marriott, dated Horsmonden, April 28, 1838, be printed.

Lord *Wharncliffe* said, his whole object was, that inquiry should take place into the truth or falsehood of those stories which were told against the New Poor-law, and which, undoubtedly, in some districts, had produced very considerable effect. He was glad to hear from his noble Friend, that the rev. Mr. Bull now confessed, that the stories he had told were without any foundation whatever. But he for one would not be satisfied with that representation; he would have Mr. Bull himself before the Committee, to extract from him, on oath, a statement of the truth or falsehood of those representations he had made at excited meetings in one of the most populous parts of the country. The noble Lord seemed to complain that the inquiry had not been made more extensive; but he (Lord Wharncliffe) could only specify such cases as he could lay his finger on. If his noble Friend would furnish him with others deserving of inquiry, he should have no objection to move an additional instruction to the Committee. He believed the effect of this inquiry would be to dissipate much of the prejudice which existed with respect to the Poor-law Amendment Act, and show that many of the charges which had been so industriously circulated against it were without foundation. In truth, for his own part, he would enter upon it with a mind wholly unbiassed, with a determination to do his duty to the utmost, and give a verdict of guilty or not guilty, according to the evidence.

Committee appointed, and the documents ordered to be printed and referred to it.

AMENDMENT OF THE NEW POOR-LAW.] Lord *Wynford* pursuant to notice, begged, leave to lay on the Table a bill to amend the New Poor-law in certain particulars. The noble Lord was understood to say, that whatever opinion he might have as to the constitution of the board which his noble Friend had described as "the three kings of Somerset-house," it was not his intention to propose any change in that respect, particularly as a year and a half had only to elapse before the whole subject-matter must undergo the reconsideration of Parliament. Nor did he propose the entire repeal of the Act, although, undoubtedly, many were anxious to go that length. His amendments immediately referred to the exercise of the authority exercised in certain cases under the bill. Their Lordships had heard to-night of many grievous abuses, which should be put a stop to, and which, if distinctly proved, ought to be severely punished. But he would not dwell on those abuses, because he considered the present law of the land sufficient to punish every abuse of authority; and he had often thought it would be much better for those who declaimed upon such topics at public meetings, and discussed them in newspapers, to institute prosecutions against the parties implicated. It was not by discussions in newspapers, it was only in a court of justice, such questions could be clearly and calmly considered. If the parties were found guilty, they would be promptly and severely punished. Every one of the cases which had been brought forward was entitled to consideration; but he was almost led to believe that there was no truth in them, or prosecution of the supposed offenders would have taken place. Every public officer who had been guilty of any neglect or abuse of his office was liable to be indicted. In the Bridgewater Union, for instance, where some of the poor were represented to have been actually poisoned, others nearly poisoned, and all the inmates of the workhouse much injured by unwholesome gruel, there must have been the greatest neglect on the part of those in the neighbourhood who were acquainted with the facts, in not instituting proceedings against the authorities; for no one could deny that the poor-law guardians, overseers, and all persons concerned, might, in that case, have been indicted for manslaughter. In the same way, with respect to those emaciated miserable beings whose health had been destroyed in the workhouse, there was no cruelty which could be practised against the poor of this country which was not punishable. Nor let it be said, that prosecutions in such cases were attended with great expense, for, by a late Act of Parliament, the magistrates had the power of awarding costs, and on a most liberal scale, in cases of misdemeanours. The law being then sufficient to punish abuses, every public officer being indictable for any abuse of his authority, and there being, in several cases, penalties denounced against public officers for infringements of this Act, he did not intend to propose any new clauses for the purpose of preventing abuses. But still there were many most objectionable clauses in the bill, and his intention was to apply himself to the evils done by the Legislature, and which the Legislature only could correct, not to those which the present law of the land was sufficient to redress or remove. He maintained, that, in the exercise of the very extraordinary and despotic powers which had been given to the commissioners, or the three kings of Somerset-house, as his noble Friend had called them, they had made by-laws, which were not only not consistent with the laws of the land, but contrary to them, and yet to be considered equally binding with the ordinary laws of the land. Very great ruin, injustice, and mischief, had, in many cases, resulted from those by-laws, or, as he would call them, great departures from the law of the land. From the period of the statute of Elizabeth, down to the Gilbert Act, the principle which pervaded all the legislation on the subject was, when a man could not get work himself, it must be procured for him. If he would not take it, if he neglected it, or performed it in an improper manner, the law provided that he should be committed to the House of Correction for any period not exceeding three months. That law was sanctioned by Scripture itself, which said, "He that will not work, let him not eat." But in no Scripture, in no book of morals, in no law of this land, founded on the ordinary principles of justice, could it be laid down that a man, whether he would work or not, should be immured in what was called a workhouse, but what in fact was a prison. According to the present Poor-law, and the directions given under it, the unfortunate labourer who sought relief in consequence of some temporary difficulties, some depression of agriculture, or some change in the mode of cultivation, was refused all assistance without the walls of a workhouse. He was quite disgusted with the language which some of the assistant-commissioners had used on this subject. They said the workhouse was the only proper test of destitution. Industry was the true test. The principle of all the Poor-law legislation of this country was, when the applicant could not get work, that work should be found for him; but the principle of the Poor-law Amendment Act was, if a man could not find work himself, maintenance should be given him only in a prison. The principle was clearly expressed in the statute of Elizabeth, and still more distinctly laid down by that excellent judge the late Lord Tenterden, that it was the duty of the parish overseers to find work for the applicant. What he, therefore, proposed in that respect was, that the guardians should not send a man to the workhouse, but offer him work when he applied for relief; if he refused to work, being convicted in the regular way, not by the arbitrary law of the commissioners, but on evidence before two magistrates, he might be sent to the House of Correction for three months, and if, after coming out, he applied for relief a second time, there being some evidence of his being an idle and disorderly person, unwilling to work, relief should be refused except on the condition of his being confined in the workhouse. Perhaps he might be told this would break in on the principle of the Poor-law Amendment Act; but that Act itself broke in upon every law and maxim of this country. By his next clause he meant to propose the introduction of provisions to enable guardians to find work for the paupers within their unions. Heretofore the Legislature had frequently provided work for persons who had been previously engaged in manufactures; but for persons brought up to agriculture they had never made any provisions; they had never made the least provision for the employment of agriculturists, excepting an occupation of a very unwholesome kind. His clause immediately following this would be one to enable the guardians of each union to take a piece of land, at a convenient distance ftom the workhouse, in order that persons whose habits unfitted them for any other pursuits than those of agriculture should be provided with suitable employment. As he said before, however, the great object was, to enable guardians to find work for the paupers, an advantage which, whatever might be their industry, they could not now obtain in workhouses, for there were very few of those establishments in which employment could be procured. He had lately visited three workhouses, and nothing like work could be found in them. [The Earl of *Radnor:* Were there any able-bodied men in those houses?] He could assure the noble Earl, from his own knowledge, that there were several able-bodied men in those houses. He asked them why they did nothing, and their reply was, that they could get no work. Now this state of things was not only exceedingly to be deplored, as regarded even the expense to the rate-payers, but as regarded its effects upon the minds of the paupers themselves, for there could not be a greater encourager of vice than idleness. Every one of his proposed changes would be perfectly consistent with the original law of Queen Elizabeth, and with the state of the law under Gilbert's Act. One thing he conceived to be perfectly evident, that no change could be for the worse. Human beings were reduced by the present law to the most wretched condition which the power of Parliament, great as it was, could reduce them. One instance amongst many to which he would refer, was that of a poor man afflicted with gravel, who was able to earn only 5*s.* a-week; the parish allowed him 5*s.* more, and on this his family were enabled to live: 10*s.* a-week certainly did not supply them with a very luxurious board, but they were not in a state of starvation. When the new law came into operation, the poor father of this poor family no longer received his 5*s.* a-week from the parish. He and his family could not live, though they might starve upon the 5*s.* a-week only, which he, suffering under disease, was able to earn; they were obliged to give up and go into the workhouse. Thus was great cruelty inflicted; it was, however, not merely an act of cruelty, but of extreme bad policy and bad economy, for each member of this family, when shut up in the workhouse, cost the parish 2*s.* 11*d.* a-week; five children and two parents cost the parish upwards of 20*s.* a-week; instead of 5*s.*, which was the charge under the old law. These particulars he had from his noble Friend near him, who received the statement from rate-payers in the parish, suffering from this and other increased expenses arising out of the present state of the law. The recurrence of such evils he endeavoured to prevent by some clauses that he intended should form a part of his measure. He was perfectly aware, that under the old system, farmers sometimes, nay, too frequently, contrived to eke out the scanty wages which they gave their men by obtaining for them some allowance weekly from the parish. Now, he certainly should not, so far as depended upon him, allow a renewal of this practice. His Bill would prevent any allowance to able-bodied men who were partly supported by their own earnings, without there being previously instituted a minute and searching investigation; and the necessity for relief should in all cases be certified by the medical officer of the parish or union. Men might be able-bodied, might be industrious, and therefore in the receipt of a weekly payment from a farmer, but a man might have twelve children, and it was quite clear, that no farmer could allow the father of such a family wages sufficient to maintain them; under such circumstances he saw no reason why parochial relief should not be afforded, provided, of course, that the case was clearly and satisfactorily made out, for unquestionably no agricultural labourer received payment sufficient to enable him to maintain a family of twelve children. [A noble *Lord:* They did.] No, it was impossible; no farmer would be so liberal—none so foolish—as to allow it. He meant to provide, that if a poor man had more than a certain number of children incapable of work, he should be entitled to relief—that he, his wife and children, should not be dragged to the workhouse and placed in confinement, to their own manifest injury, and to the great expense of the parish. In his opinion, families could never be well brought up unless some such regulations were adopted. He did not propose to restore the old law; in many respects it was most unjust, and had led to most abominable crimes; but, on the other hand, the new law was, in a variety of particulars, exceedingly exceptionable, especially as regarded bastardy. The mode of determining the putative father was extremely imperfect and expensive. Instead of sending the parties to the sessions, he proposed that the woman should bring her complaint before one magistrate, that then all the witnesses, together with the accused, should appear before three magistrates, and they should hear the whole of the evidence, and not call on the woman to do more than swear to the paternity according to the best of her belief, for she could not always be positive, and he would not hold out any temptations to commit the crime of perjury; he would place no one in such a situation as to be liable to an examination offering the least inducement to commit that or any other offence. It was his opinion, that no confirmation of the statement of the mother should ever be required, for if it were, there would in 99 cases out of a 100 be no order made. If there were a general investigation set on foot, the testimony of the mother taken, and all the witnesses examined whose evidence could throw a light on the question, nothing further ought to be required, and most certainly he should oppose the practice of throwing on the mother the whole expense of maintaining the child. It was a horrible injustice, more than once eloquently exposed by his right rev. Friend at the table. He had recently been informed, that in his own neighbourhood three girls between the ages of fourteen and fifteen years had been gotten with child by men of twenty-five; ought the relatives and friends of those unfortunate girls to be subjected to the expense consequent upon the crimes of the beast who seduced them before they had attained an age at which they could judge of the consequences of the act to which they were consenting? Still he should take care that the production of natural children should be no advantage to the mothers—payment for the maintenance of the children should be made to the guardians, and likewise for the charges of lying-in, no matter whether the male or the female parent defrayed the expenses. Whenever there was any fear of any individual becoming chargeable on the parish, precaution by deposits and security with the guardians should at the outset be taken. He referred to the possibility of the female parent being made to pay, and in some cases it would be perfectly consistent with justice that she should, for it did happen that women of mature age, though, of course, not past the time of child-bearing, induced boys to get them with child. The investigation of that question, as well as the other, he proposed to leave to the decision of three magistrates; but these provisions he hoped to form so as that no advantage should accrue to any party from the number of natural children born, and as little injury as possible to the children themselves. He proposed, further, that all children should remain with their mother for the first year; during that period of their lives she could yield them assistance which no other human being could; but after that, it was much better that they should be in the workhouse; there they would stand a chance of being more advantageously and virtuously brought up than in the family of such a mother. Then the present Poor-law made the order in bastardy remain in force for seven years. He proposed, that it should be in force so long as the child remained chargeable. Another alteration which he intended to propose related to the size of the unions; they were, in his opinion, much too large—to remove a poor agricultural labourer sixteen or seventeen miles from the place in which his previous life had been spent amounted in his eyes to banishment; it would be viewed by him, as total banishment would by a person in a higher walk of life. On this point, the size of the unions, he proposed to restore the old provision of Gilbert's Act—that no union should extend to a greater distance than ten miles from the workhouse, nor to a greater distance than ten miles from the place at which the guardians assembled. The law gave the poor man an appeal to the guardians, but how could he take advantage of that privilege if he had not access to them at their place of meeting? Moreover, he should, when necessary, be furnished with a conveyance—he spoke feelingly on the subject—if he were a pauper, how could he attempt to walk five miles, or two? He could not attend a board of guardians, and the lame man who had no conveyance must submit to any order, however arbitrary. Their Lordships would see that his objects were to secure the poor from oppression rather than protect the rates, for he would rather sacrifice all the land of England than the comforts of the poor. The separation of husband and wife he thought most objectionable in the present system, as well as the denial of beer in some cases. He found, that in several of the union workhouses the article of beer was prohibited. This, he thought was unfair. Many of the poor agricultural labourers had been accustomed to have beer at their meals. It was an article of necessity to them. In his bill there would be a clause to this effect—that every union should, at its expense, provide beer for the old and impotent inmates. There was one part of the present Poor-law Act for which he could find no reason. It was, that no parent, friend, or old master should be allowed to give to any inmate of a workhouse any present or gift, or any addition to their allowance which would add to their comforts. As an illustration of this practice he might mention a case which had been related to him on the authority of a gentleman whose statement could not be doubted. His friend had informed him that in a workhouse in Kent, a poor old woman had been for some time an inmate. Her daughter, who, although unable to support her, was anxious to contribute as much as she could to her parent's comfort, brought her on one occasion a seed-cake, but the well-intentioned gift was intercepted by the master of the workhouse, and never reached its intended object, because, forsooth, it was against the rule and discipline by which the House was governed. Many similar cases could be mentioned; or, at least, there were many instances in which the friends, relations, or former masters of paupers were prevented from administering to their comforts by small presents of articles which the workhouse did not supply. This was because the regulations of the Poor-law Commissioners were to be carried out in all their severity. What he should propose in this respect was, that any person who should feel disposed to administer to the comforts of any inmate of a workhouse by any little article of food or drink, spirituous liquors excepted, should not have their intention frustrated by the will of the master or guardian. Another clause of his bill would provide a separate ward for such paupers as were labouring under infectious diseases. There had been instances in which persons labouring under typhus fever were in the same room with healthy paupers. This was a practice which ought to be checked, not alone with reference to the inmates of the workhouse, though that would be a sufficient ground for it, but also for the sake of the community at large. There had been, he was aware, a power of that kind given to magistrates in quarter sessions, but he believed, that it had been virtually repealed. If, however, it should appear, that the magistrates had the power, he was disposed to leave it in their hands. Another point in the present law was, that if a man, reduced to the necessity of going into the workhouse, had any property, it was taken from him. Now, if a man had money in the savings-bank, for instance, he thought the interest of it might be taken while he remained in the workhouse, but the principal should be reserved for him when he came out, or should be left for his family. He had not introduced any clause on that subject; but if his bill should go to a Committee, he would move one which should reserve the property of the pauper for such purposes as he had mentioned. His bill consisted of many clauses, any one of which might be left out without injury, and the bill might remain. He should be happy to adopt any amendment which would improve the bill. His great object was to improve the condition of the poor, and without going into any of the clamour which had been raised against some parts of the present law, he trusted the poor would find the Peers firm and resolved on their behalf. With these remarks he would now move, that the bill be read a first time.

The Earl of *Hardwicke* said, that the noble and learned Lord had declared his wish to be, to give labour before relief to the poor. He wished to know from him whether there was any clause in his bill which went to compel the letting of land in a parish to the board of guardians, for the purpose of giving employment to the poor?

Lord *Wynford:* Certainly not.

Bill read a first time.

HOUSE OF COMMONS,

Tuesday, May 1, 1838.

MINUTES.] Bills. Read a first time:—Hanse Towns Slave Trade.

Petitions presented. By Mr. JAMES, from parishes in Cumberland, for the Abolition of Negro Apprenticeship on the 1st of August, 1838.—By Mr. FLEMING, from the county of Hants, to appropriate surplus Church revenue to Spiritual purposes.—By Mr. J. H. LOWTHER, from the Medical Practitioners of York, that no individual be admitted to practise Medicine or Surgery without having received a regular Medical Education.—By Mr. CHALMERS, from Dundee, against the Prisons' (Scotland) Bill; and from Dunbar and Cupar, for a low and uniform rate of Postage.

THE DUKE OF CUMBERLAND.] Mr. *Hume*, on rising to bring forward the motion of which he had given notice, said that he was aware that questions of the nature of that to which he was about to draw the attention of the House ought to originate generally with her Majesty's Ministers, and he was one of those who held them to have been negligent and wanting in zeal as regarded the expenditure of the money of the country. Had not this apathy existed on their part, they would not have allowed the annuity to the King of Hanover to have been paid so long. No man could be more anxious than he was that every branch of the royal family should have an adequate provision made for them according to the station which they occupied; at the same time he had been decidedly averse to extravagant practices such as those which had led to the late arrangement of the civil list. He thought the allowance which had been made for the civil list was most extravagant. It had been his lot to oppose votes or grants to the late Duke of York, the Duke of Clarence, &c., and it now remained for him to show whether he could in this instance make a case to induce the House to go along with him. It was only necessary to say, that in the present year the civil list was 60,000*l.* more than it had been in the late reign; and it, therefore, became the duty of the Chancellor of the Exchequer to see what reductions might be made in respect to grants made to members of the royal family. Every one must be aware that these grants were made for the purpose of supporting them in comfort and dignity. The message of George the 3rd., to the Commons, in 1772, was to request them "to make a competent provision for the younger branches of the royal family."—and in consequence of that, a sum of 60,000*l.* was voted to be divided amongst the six sons then living. Mr. Fox, in the month of May, 1777, observed, that it had always been the policy of the country to make such provision for the different branches of the royal family, in order to render them independent of the Ministers, whilst it bound them by interest and sentiment to protect that constitution under which they enjoyed their incomes. Now he (Mr. Hume) quite concurred in the principle which had been laid down by Mr. Fox. He thought the different branches of the royal family should have an adequate income, in order to render them independent of the Minister, and to ensure their attachment to the constitution. It was because he believed, that the Duke of Cumberland, now King of Hanover, was no longer in a position to perform the latter part of the understanding that he was anxious to submit his motion to the House. By the financial accounts of last year, it appeared, that 21,000*l.* were paid to the King of Hanover, besides a sum of 2,000*l.* or 3,000*l.* to his son, on which latter amount he did not desire to state anything. In bringing forward this motion he did not wish to make a single observation, however much he might differ in political opinion from the King of Hanover, which should be offensive. He wished his remarks to be directed purely to the King of Hanover, as one of the royal family of this country. It appeared that by the 18th George the 3rd., a sum of 60,000*l.* was given to the six sons per annum, each to receive 10,000*l.* That Act provided, however, that on the death of one or more of the sons, then this allowance should be equally divided amongst the survivors; and that, if two sons should die, the portion of the second should also be divided amongst the survivors; and so on until each should receive 15,000*l.* The deaths of the Dukes of York and Kent subsequently occurred, leaving the survivors in the possession of 15,000*l.* instead of 10,000*l.* each. In 1806, when Mr. Grey, seceded from the administration, which was usually termed "The Talents," an Act was passed (46 Geo. 3rd), by which 6,000*l.* annuity was added to the amount, which had been granted by 18 Geo. 3rd. This raised the allowance, which at the time was only 12,000*l.* to 18,000*l.* But by the deaths of the Dukes of York and Kent the income, which had been originally 10,000*l.*, became 15,000*l.* which with the 6,000*l.* granted by Act 46 Geo. 3rd., c. 145, made 21,000*l.* at which sum the income remained. The Act 46 Geo. 3rd, granted 6,000*l.* a-year to each of the princes, in addition to former allowances which had been granted during the pleasure of his late Majesty George the 3rd, but it appeared, that that was not the object which it had been wished to carry out, and by the 47th George the 3rd, these sums were granted to the several princes for their lives, after the demise of the Sovereign; 21,000*l.* a-year was secured to the Duke of Cumberland, if he had remained in England, and whilst he remained here there could not be any thing to interfere with the right of the Duke of Cumberland to these two sums, which were intended for the maintenance and comfort of the princes, as branches of the royal family, living in England under the British constitution. Now he objected to the King of Hanover receiving this annuity of 6,000*l.*, first, because that Sovereign was not in a situation to observe the conditions upon which it was granted. He was in such a position that he might be placed in hostility against the very Government which allowed this annuity. The King of Hanover was a member of the German diet, he had already joined in those commercial restrictions which had been promulgated by the German States. If any circumstances should hereafter arise which should oblige the diet to declare war against England, the King of of Hanover would be bound immediately to act and join in the war, and to furnish his contingent of men and munition. Now he (Mr. Hume) maintained, that as these acts had altered the sums, so an Act of Parliament under the altered circumstances of the case, ought now to do that which it should have been the duty of her Majesty's Ministers to have done—namely, to suspend the payment of these annuities, amounting to 21,000*l.* to the King of Hanover, whilst King of Hanover. There were no circumstances which could occur which would not admit of Parliament dealing with this annuity in the way he proposed. If the King of Hanover should become King of England, even then this country would not continue this allowance, because a new arrangement altogether must be made. The King of Hanover had become an independent potentate, and could no longer hold fealty to the Queen of England. His situation was changed, and with that change the payment of the money ought to be suspended. Having dwelt on the character of the annuities which had been granted, the hon. Gentleman observed, that he thought these grants were of a different nature from that which was made to Prince Leopold, afterwards King of Belgium. The latter grant was placed on a much stronger footing. That grant was made, not with reference to any change of situation, but it was secured to the prince during the term of his natural life, if he should survive the Princess. But his Majesty the King of Belgium had rendered it unnecessary that any measures should be taken with regard to him. Now he put the present motion on the simple ground, that the annuity granted to the Duke of Cumberland, as one of the royal family, was intended to maintain him in England, he having no other income. But he had since changed his situation or position—he was no longer a subject of the Queen of England—he was an independent Sovereign, having a separate and adequate income. The people of England ought not to be called upon, therefore, to pay any portion of this income. These were the simple grounds on which he rested his case. It might be argued that the King of Hanover considered it to be an annuity for life, and that he had, under that conviction, made arrangements to pay off his debts out of this annuity. He had no right to incur debts—he had an independent income, and if he incurred debts he was not an independent man He would not detain the House longer—he kept out of view any opinion he might entertain in reference to the Duke of Cumberland, or any other of the royal family; he put the question upon the ground that, by the changed situation of the King of Hanover, the implied contract was broken. He did not propose to take the annuity away, but to suspend it whilst the Duke of Cumberland should continue King of Hanover. The hon. Gentleman concluded by moving for leave to bring in a Bill to suspend the payment of the annuity of 6,000*l.* granted by 46 Geo. 3rd, c. 145, and 47 Geo. 3rd, c. 39; and of the annuity of 15,000*l.* granted by 1 Geo. 4th, c. 108, to his Royal Highness the Duke of Cumberland, now King of Hanover, so long as his Royal Highness shall continue to be King of Hanover.

The *Chancellor of the Exchequer* said, that the hon. Member for Kilkenny had abstained from all political allusions, and had brought forward his motion with good taste and discretion, in reply to which he would briefly state to the House the reason of his opposition to the motion. The hon. Member had said, that the Government should have brought the subject under the consideration of the House, but it would be his endeavour to show the injustice of the motion, and consequently the impossibility of its being introduced by Ministers. The hon. Member, in the early part of his speech, had said, that the present civil list was more expensive than any preceding one. This was a common error, and he would take that opportunity of contradicting the assertion, as the country would enjoy a great saving by the present civil list. The question before the House was, whether or not the annuity could be suspended by a fair construction of the Act of Parliament. It was true, that the Legislature had supreme power, but still it was a contracting party, and should not put a new construction on an Act of Parliament, and deprive the King of Hanover of an annuity to which he was entitled. Arguments had been brought forward by high authorities in that House in order to prove, that annuities should cease when the object for which they were granted no longer existed. He had, however, with great humility, and to the utmost of his ability, attempted to controvert such a principle, and had contended, that when Parliament made an unconditional grant, it would be unjust to withdraw it; and he would ask the House, whether any condition was attached to the annuity during life voted to the Duke of Cumberland, now the King of Hanover? There was no power given by the Act to withdraw this annuity. It was granted during the natural life of the Duke of Cumberland, and it was impossible to find anything in the Act that would lead to an opposite construction; unless they were to adopt the doctrine of the hon. Member for Kilkenny, that the intention of the grant was, that it was for supporting the Duke in his attendance to his political duties, and that with the cessation of those duties, the annuity should also cease; but this, he thought, was most repugnant to the express terms of the Act of Parliament. How did the fact stand? Had they wished to impose any conditions when the annuity was given, they had the means of doing so; but this had not been done. Now, look to the annuity of Prince George of Hanover, the son of the Duke of Cumberland. In that case, the Act wished to impose certain conditions on the grant—first, as to the education, and next, as to the residence, of the Prince; and then the terms were express and determinate. On that account, therefore, when the hon. Member said they ought not to mix up this question with the grant to the son, they should remember, that the conditions in this case had been accomplished, and therefore the annuity had ceased; but there had been no conditions of this sort imposed in the present case. The hon. Member for Kilkenny, however, said there was a condition implied, although not inserted, and that was—the attendance of the Duke to his political duties, which he could not perform if he resided abroad. Now, if the conditions had really been the performance of political duties, new as this construction was, he thought that the hon. Gentleman might have complained earlier of the absence of the Duke, and of the non-performance of the duties alluded to, for the condition would have been broken as much by the Duke's permanent absence as was now the case by his accession to the throne of Hanover. He could not, however, find in the Act any rule or construction from which even the inference of that condition could be drawn. But then they came to the other alternative. Was the case properly made out for violating the engagement and breaking the contract which was recorded by the Act of Parliament, by which they engaged to pay to the Duke of Cumberland, during his natural life, the sum of 21,000*l.* per annum? Were they, he would ask, prepared to break that engagement? If so, where should they stop in violating contracts of a similar kind? What principle would they adopt in breaking others, as soon as the necessity or the claims of economy might, in the opinion of the House, render it desirable? There was, however, no possible doubt as to the import of the Act, and there was no possible ground urged for the violation of this engagement which might not be applied to all others. Indeed, the case was stronger than he had stated it. When annuities were granted to members of the royal family, Parliament might have considered the possibility of those members at some day succeeding to the kingdom of Hanover, and if they had wished to make the payment of this annuity to the Duke only while he remained Duke of Cumberland, it was open to the Legislature at that day to have so restricted it. Now, Parliament had granted another annuity with as much formality and fixity as this—he alluded to Prince Leopold, now King of the Belgians, and upon that illustrious person a Crown had fallen, as in the present case; and the hon. Member said, that on that occasion he had called the attention of the House to the subject as soon as the event took place. But Ministers then said, that the annuity had been given by Act of Parliament during the natural life of the Prince, and that they never would become parties to take away what had been secured by law, and yet there were the same grounds for doing it then as now. It was true, that the King of the Belgians, with a princely generosity, and with a highly honourable and independent feeling, for which he merited the greatest praise, had considered it his duty to give up the whole of his annuity, with the exception of certain fixed charges, to which he had rendered himself subject by his residence in England; that he had, as befitting his character of a king, abandoned the whole, except so much as was necessary for the performance of certain duties in this country, which he owed to the Princess Charlotte, and the kindness he had met with in England. Had he not reserved this portion, the feelings of the country would have been outraged: old servants of the Princess would have been unrewarded, and there would have been but one feeling, not of indignation, but of deep regret, that those duties should have been unperformed—or were they to have been furnished from Belgian, and not British, resources? Would this, he would ask, have been right? Unquestionably not; and he thought the distinction was right, that on account of providing for certain duties connected with this country, the Prince should have reserved a certain portion of his British resources, and abandoned the rest. But if the King of the Belgians had not taken this step, it would not have been generous on the part of this country to attempt to remove from him the annuity they had given for his natural life. In all countries, and especially in this, the stability of engagements was the essence of prosperity, and they could not be violated without the greatest danger to the Legislature. It was of the greatest importance to the country to maintain the character of its recorded engagements, since it was the greatest commercial country in existence, evidenced, he thought, by the enormous mass of debt which it had contracted. He had no objection to saving when it could be honestly and honourably effected, but he was prepared to encounter anything, even the opposition of his own Friends in the House, rather than purchase economy by a departure from the principles of justice. On these grounds he must oppose the motion of his hon. Friend. It might or might not have been prudent to anticipate the contingency, but they had no right now to interpret the Act contrary to the interests of the party contracting for the purpose of economy. The hon. Member had stated, that he understood this money was received to satisfy the existing engagements of the King of Hanover in this country. If that were urged, it might perhaps be properly urged, but her Majesty's Government had not taken their present course from having had any communication with his Majesty. It would have been unbecoming to do so, because he trusted that, under all circumstances with which his Majesty was connected, they would discharge their duties with justice. He knew nothing, however, of those debts or incumbrances; but this he was convinced of, that no individual, in any station of life, whether royal or private, could quit this country without some engagement and some duties which he might have to attend to afterwards. But if even the matter were just, on other grounds he should oppose this motion, as the engagements which his Majesty had contracted in this country ought not to be paid from the resources of Hanover. On the ground, then, that the bargain was made for the term of natural life, which no construction of the Act could set aside, he must oppose the motion.

Mr. *Warburton* thought, that a comparison could be hardly made between the cases of Prince Leopold and that of the Duke of Cumberland, as the grant to the former was a kind of stipulation in the marriage settlement, whilst that of the Duke of Cumberland was a voluntary grant, to maintain him in his dignity as a prince of the blood and a peer of the realm. So long, therefore, as he remained in this country, the public had a kind of *quid pro quo*, first in his character of prince of the blood, and, secondly, in his character as a legislative peer. When those powers ceased, the annuity ought to cease; and it was known that his Majesty could never give even a proxy as a peer, except at the commencement of a session. After the commendation which had been passed on the King of the Belgians by the Chancellor of the Exchequer, he had certainly expected that the right hon. Gentleman would have made a similar proposal as to the Duke of Cumberland, and that the Duke only wished to retain his annuity until his debts were paid. Then the parallel would have been exact; but when the Chancellor of the Exchequer said, that he would not break a bargain which had been entered into, he must say that he could not construe the act of Parliament in that manner.

Mr. *Goulburn* said, that he could not reconcile himself to voting for the motion of the hon. Member, because it was not consistent with the principles on which they ought to deal with the rights of any persons. The hon. Member for Bridport had said, that the annuity was granted to the King of Hanover in his character as a peer of this country; but if he meant by this to induce the House to depart from the Act of Parliament, in consideration of any conditions which they might perhaps have contemplated, he thought his views were not justified. When the grant was made, the Duke of Cumberland was not a peer; the money was granted to the King and the younger members of the royal family, who might afterwards become peers; and, therefore, if they were to violate the specific conditions of any Act of Parliament, let it at least be done with something like a shadow of justice. He thought, however, that if the House acceded to propositions of this kind, the time was not far distant when such a course would give rise to the greatest evils connected with public engagements.

Mr. *Hume* said, that he was as anxious as any one to maintain the credit and good faith of the country in respect to its engagements; but this annuity had been granted on the condition of the Duke of Cumberland's being in England, but that was not the case now. He had, indeed, become, as far as England was concerned, civilly defunct, and he therefore objected to his receiving this money.

The House divided—Ayes 62; Noes 97; Majority 35.

List of the AYES.

Abercromby, hn. G. R.
Archbold, R.
Beamish, F. B.
Bewes, T.
Blake, W. J.
Blewitt, R. J.
Brotherton, J.
Bryan, G.
Busfield, W.
Chalmers, P.
Clay, W.
Collier, J.
Collins, W.
Craig, W. G.
Denison, W. J.
Dennistoun, J.
Duckworth, S.
Duke, Sir J.
Dundas, hon. J. C.
Elliot, hon. J. E.
Fielden, J.
Finch, F.
Gillon, W. D.
Grattan, H.
Hall, B.
Handley, H.
Harvey, D. W.
Hawes, B.
Hawkins, J. H.
Hodges, T. L.
Hollond, R.
Horsman, E.
Humphery, J.
Hutton, R.
Leader, J. T.
Lushington, C.
Macleod, R.
Mactaggart, J.
Morris, D.
Muskett, G. A.
Pattison, J.
Protheroe, E.
Pryme, G.
Rice, E. R.
Roche, E. B.
Rundle, J.
Salwey, Colonel
Scholefield, J.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornley, T.
Turner, E.
Vigors, N. A.
Wakley, T.
Ward, H. G.
Williams, W.
Wood, Sir M.
Yates, J. A.

TELLERS.

Hume, J.
Warburton, H.

List of the NOES.

Acland, T. D.
Adam, Admiral
Baillie, Colonel
Baines, E.
Barnard, E. G.
Bernal, R.
Blackstone, W. S.
Bradshaw, J.
Broadwood, H.
Burroughes, H. N.
Campbell, Sir J.
Campbell, W. F.
Carnac, Sir J. R.
Chute, W. L. W.
Clive, hon. R. H.
Compton, H. C.
Corry, hon. H.
Cresswell, C.
Darby, G.
Darlington, Earl of
D'Israeli, B.
Dunbar, G.
Duncombe, hon. W.
Eastnor, Viscount
Ellis, J.
Fector, J. M.
Filmer, Sir E.
Fleming, J.
Fox, G. L.
Fremantle, Sir T.
Freshfield, J. W.
Gibson, T.
Gladstone, W. E.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquis of
Hepburn, Sir T. B.
Herries, rt. hon. J. C.
Holmes, W.
Hope, G. W.
Hughes, W. B.
Ingham, R.
Irving, J.
Jenkins, R.
Kelly, F.
Kirk, P.
Knight, H. G.
Knightley, Sir C.
Labouchere, rt. hn. H.
Lincoln, Earl of
Lockhart, A. M.
Maule, hon. F.
Maunsell, T. P.
Miller, W. H.
Milnes, R. M.
Mordaunt, Sir J.
Nicholl, J.
O'Ferrall, R. M.
Parker, J.
Parnell, rt. hon. Sir H.
Peel, rt. hon. Sir R.
Perceval, Colonel
Perceval, hon. G. J.
Planta, rt. hon. J.
Pringle, A.
Reid, Sir J. R.
Rice, rt. hon. T. S.
Rickford, W.
Rolfe, Sir R. M.
Rolleston, L.
Round, J.
Rushbrooke, Colonel
Russell, Lord J.
Sandon, Viscount
Scarlett, hon. R.
Seymour, Lord
Sibthorp, Colonel
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Stuart, H.
Stuart, Lord J.
Stuart, V.
Sugden, rt. hn. Sir E.
Surrey, Earl of
Thomson, rt. hn. C. P.
Trevor, hon. G. R.
Troubridge, Sir E. T.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vivian, J. E.
Wodehouse, E.
Wood, C.
Wood, T.
Wyndham, W.

TELLERS.

Dalmeny, Lord
Steuart, R.

GOSPEL PROPAGATION SOCIETY (NEWFOUNDLAND).] Mr. *Hume* rose for the purpose of proposing the following motion, of which he had given notice:—

"Return of the names of the persons now forming the society incorporated on the 7th of February, 1662, by King Charles 2nd, by the name of the 'Company for the Propagation of the Gospel in New England, and the parts adjacent in America ;' together with an account of the several lands, whether freehold, copyhold, or leasehold, and distinguishing the same; also the tithes now held and enjoyed by such company, stating the annual value of such lands, and in what parish or parishes of England such lands are situated; also an account of all other stock, funds, or property, belonging to the said company or held in trust for its use or purposes; and a copy of the annual accounts as made up for the year 1837 or the year 1836."

The hon. Member said, he considered that the property held by this society was public property, and that consequently a public account of its management ought to be rendered. Hitherto the management of the affairs of this company had been in the hands of a self-elected society, and the public had been up to this time in the dark in regard to the application of the funds at the disposal of the members. He thought it, therefore, fit and proper for that House to call for an account of the income and expenditure of the company, as the funds were subscribed for public purposes, and by the charter they were to be publicly applied. It might be said, that an application to the Lord Chancellor was the proper way to obtain an inquiry into the management and application of the funds; but the fact was, that a suit had been instituted by a private individual only a few years ago for the purpose of obtaining a statement of the assets of the company, but it was compromised, and he believed, that all other suits of a similar kind which had been instituted had been closed without any satisfactory information having been obtained. The public, therefore, knew nothing of the affairs of this company; and considering the object for which it was instituted, and the manner in which the funds had been obtained, he would ask, was it unreasonable for Parliament to demand a return of the nature he proposed to move for, when the society were in the receipt of a large income subscribed by the public? He wished to charge no one with misconduct, nor was it his intention to insinuate that there had been any misapplication of the funds; but, under all the circumstances, he did think, that the public were fairly entitled to the information which he asked for. Private individuals were not able to institute suits to obtain a statement of the assets of the company, as those suits would cost 400 or 500*l.*, and therefore, as he considere the funds of the society to be public funds, the House, he concluded, had a right to call for a statement showing the amount of income and expenditure. The hon. Member concluded by making his motion.

Mr. *Gibson* rose to oppose it, and to express a hope that the hon. Member would withdraw it. If, however, the hon. Gentleman should press the motion, he should feel it his duty to take the sense of the House upon the subject, as he did not think the return moved for was of such a kind as that House had any right to demand. The hon. Gentleman called for a return of the income and expenditure of a private body; for, although existing under a charter granted by the Legislature, the society was composed of private individuals, the funds also being the result of private subscriptions. He admitted, that there were cases where the Legislature might properly interfere with the funds of corporate bodies; but there were other cases where any interference by the Legislature was highly improper, and in the case of those societies where a statement of their income and expenditure could be obtained by an application to the common tribunals of the country and in the ordinary course of law, Parliament had no right to make demands similar to that contained in the motion of the hon. Member. There never had been any grant of money by Parliament to the society, for, although it existed by a charter, it was supported altogether by private subscription. Its management was subject only to the jurisdiction of the Chancellor, and unless the hon. Member could show that the Chancellor had neglected his duty, and allowed the funds to be misapplied, the House had no right to interfere with the management of the company's affairs. It had been insinuated, that the members of the company were unwilling that any investigation should take place; but he was authorized to say, that they did not shrink from the fullest inquiry, and that they were ready to give every document that might be called for, to the parties who had a just right to demand them—namely, the Lord Chancellor, and the other persons appointed by the charter to superintend the management of the company's affairs. What he objected to was, the House ordering a private company to give up their papers, when Parliament had no legitimate jurisdiction over their affairs. It had been said, that the original object for which the company was instituted had been obtained, and that its existence was no longer necessary; but he held in his hand a letter from Sir John Colborne to the treasurer of the society, in which the exertions of the society in Canada, and in other parts of North America, were spoken of in terms of the highest commendation, and their efforts to propagate the gospel amongst the aborigines of that country at the present time had been attended with the most beneficial effects. The hon. Member had correctly stated, that a suit had been instituted, between the years 1834 and 1836, before the Lord Chancellor, and the very returns for which the hon. Member had moved were laid before his Lordship upon that occasion. A decree had been issued so lately as 1836 from the Court of Chancery, which had completely set at rest the question as to the proper application of the funds, and all those doubts and suspicions which had been thrown out by the hon. Member for Kilkenny.

Mr. *Harvey* said, that the hon. Member for Ipswich had opposed this Motion on two grounds. First, that these trusts were in the nature of private property; secondly, that any abuses that might have crept in were under the cognizance of the Courts of equity, who had the power to administer justice respecting them. He differed from both these propositions, and contended, that those trusts were in their nature public. They were trusts established on a public foundation, and devoted originally to the highest purposes. He knew no subject of higher interest than that to which these funds had been originally devoted. With respect to the next proposition, that in case of malversation there were means within the ordinary tribunals by which all abuses might be corrected—now, than this there could be nothing farther from the truth in point of fact. It was now twenty years since a commission had been appointed to inquire into all charities in this country. Many means had been resorted to, both at the time of its appointment and since, to defeat the ends of that commission, and it was not until recent times, when inquiry had become co-extensive with abuse, that any of the objects of the commission had been usefully carried into effect. That commission ceased to exist in the year 1837. It had produced thirty of the largest volumes of reports that had ever been laid upon the table of the House, and had cost the country nearly a quarter of a million of money, and yet it would be difficult for any one to point out the advantages that had resulted from that inquiry. But supposing that commission even to be still in existence, it could not have anything to do with the present motion, as the terms in which the commission had been appointed limited its operations to England and Wales. He quite agreed that it was unadvisable to do anything that would have the effect of converting this House into a court of equity, into which suitors might come when they were disappointed elsewhere; but the hon. Gentleman opposite gave the Courts of equity a virtue which did not belong to them, for he said, that you had only to go into them and chronicle the abuse of which you complained and you were sure of redress. Now, this was by no means the case. He spoke in the presence of the Solicitor-General, and he had no hesitation to say, that many suits had begun in his lifetime the termination of which would be after his epitaph was written. There was no public charity which ever would remain quiet or be content to give up whilst it had a penny to spend in defending itself, and the abuses might exist chin deep yet the attempt to correct them by any process of law would be a work of years. It was a common saying, that wherever there was a wrong there was a remedy. However, this was one of those philosophic placidities which only found a dwelling in unsophisticated minds, but which was never found to exist in reality. He thought, that this return ought to be granted, as it was only just and proper that Parliament should have some account before it of the administration of those funds.

The *Solicitor-General*, at the risk of incurring the obloquy of the hon. Member for Southwark, felt bound to oppose the Motion of the hon. Member for Kilkenny. No case whatever had been made out in favour of the motion. If the House were to take up matters which were within the cognizance of the ordinary tribunals, and once overstep the line which left those matters to the proper tribunals, he did not see where their inferences was to end. The hon. Member for Kilkenny had stated that considerable embarrassment existed at present with respect to subjects of this nature, and he would wish the hon. Member could suggest any mode by which that embarrassment could be lessened; but undoubtedly that object could not be effected by transferring the jurisdiction of Courts of Law into that House. There was no specialty in the case presented by the hon. Member. It appeared, that the ordinary tribunals were open, and that even a decree had been made on the subject within the last twelve months. He saw great danger and difficulty in acceding to the motion.

Mr. *Warburton* thought his hon. Friend justified in calling for the account, because it was clear that the functionaries who ought to have cognizance of the matter would not examine it in the manner contemplated by the charter.

The House divided—Ayes 27; Noes 56: Majority 29.

List of the AYES.

Archbold, Robert
Brotherton, Joseph
Bulwer, E. L.
Dick, Quintin
Finch, F.
Halse, J.
Hawes, B.
Hill, Lord A. M. C.
Hodges, T. L.
Humphery, John
Langdale, hon. C.
Lushington, C.
Milnes, R. M.
Monypenny, T. G.
Palmer, C. F.
Pechell, C.
Philips, George R.
Pryme, G.
Rundle, J.
Strickland, Sir G.
Style, Sir C.
Turner, E.
Turner, W.
Vigors, N. A.
Warburton, H.
White, Andew
Yates, J. A.

TELLERS.

Harvey, D. W.
Hume, J.

List of the NOES.

Abercromby, hn. G. R.
Acland, Tho. D.
Adam, Admiral
Barnard, E. G.
Beamish, F. B.
Chandos, Marquess of
Colquhoun, J. C.
Craig, W. G.
Darby, G.
Denison, W. J.
Duckworth, S.
Dunbar, G.
Eastnor, Viscount
Fergusson, rt. hon. R. C.
Fitzalan, Lord
Fremantle, Sir T.
French, F.
Freshfield, J. W.
Graham, rt. hn. Sir J.
Grimsditch, T.
Hayter, W. G.
Hepburn, Sir T. B.
Holmes, W.
Howard, P. H.
Howard, R.
Howick, Viscount
Hughes, W. B.
Hurt, F.
Jermyn, Earl
Johnstone, Hope
Kirk, Peter
Knatchbull, rt. hn. Sir E.
Law, hon. C. E.
Lefevre, C. S.
Long, W.
Lygon, hon. General
Mahon, Viscount
Morpeth, Viscount
Muskett, G. A.
O'Ferrall, R. M.
Palmerston Viscount
Parker, J.
Perceval, Colonel
Phillpotts, J.
Rickford, W.
Round, J.
Sinclair, Sir G.
Smith, R. V.
Surrey, Earl of
Tancred, H. W.
Thomson, rt. hn. C. P.
Vere, Sir C. B.
Verner, Colonel
Vivian, J. E.
Wood, C.
Wyndham, Wadham

TELLERS.

Solicitor General
Gibson, Mr.

OUTRAGES ON PROTESTANTS. (IRELAND).] Mr. *Colquhoun* rose to move, pursuant to his notice, for a Return of all Outrages and Assaults committed on the person, property, and places of worship of Protestant Ministers of all denominations in Ireland; also a Return of all Outrages and Assaults committed on persons engaged in communicating religious instruction to the people of Ireland, from June, 1835, to the present time. The hon. Member said, that, in submitting this motion to the House, he wished to direct attention to a few facts, as bearing most importantly upon the present state of Ireland, and the policy of her Majesty's Government towards that country. It had been said, that the evils of Ireland arose from the continued impost of tithes, in which, it was alleged, all the heartburnings and discords which rent that portion of her Majesty's dominions had their origin. He regretted the absence from his place of the hon. and learned Member for Dublin, because he meant to confute the statements of that hon. and learned Gentleman, that nothing could be more fair, just, or impartial, than the administration of Lord Mulgrave in Ireland, and that nothing could be more admirable than the execution of the laws in that country. Upon that subject he would not undertake to pronounce an opinion; he would content himself with stating a few facts connected with, and bearing upon the question. It had been said, he repeated, that hitherto tithes had been the cause of exciting all those feelings of animosity which prevailed in Ireland, and that by settling that question, peace and tranquillity would be established. A few facts would serve to show, that this was certainly a very questionable assertion. What had been the case of an individual wholly unconnected with tithes, he alluded to that of the rev. Mr. Hogg, a curate in the county of Leitrim? That Gentleman drew nothing from tithes, was wholly unconnected with tithes, but had distinguished himself by his extraordinary pastoral exertions, particularly in the erection of scriptural schools for the religious and moral instruction of his parishioners. He was universally respected by his neighbours of all classes, but there came a denunciation against him from a quarter to which he would presently allude, and in the month of October, 1836, his school was set fire to; in the November following, his out-houses were set on fire, and this unfortunate curate, when escaping from the flames of his own dwelling, was fired at and nearly wounded by assassins. This was not a mere assertion, for the fact was proved by proclamations in the *Dublin Gazette*, the rewards offered for the apprehension of the offenders, and the establishment of a police force in the house of the rev. gentleman for the protection of himself and his family. To this rev. gentleman the hostility was not therefore on account of tithes, but because he had discharged the philanthropic duty of endeavouring to educate his Roman Catholic parishioners. Then followed the case of the rev. Mr. Benson, a curate in the King's County, who had established evening service on the Wednesday in each week. That was an offence (and not from his connexion with tithes) for which he was to be visited with the penalty of death. The rev. gentleman was fired at on the 18th of May, 1836, and only escaped in consequence of the badness of the fire-arms used by the assassin. To show a continuance of this state of things, he would mention a case in the month of July, 1837; he would withhold the name from the public for reasons he had, but was ready to communicate it in private to the noble Lord, the Secretary for Ireland. This case was also one of a curate, unconnected with tithes, but who had also set up schools, and preached and instructed in the house of the Roman Catholic portion of his parishioners. He was denounced by the same quarter as in the former instances—he was warned that his house would be burnt, he despised the warning, and persevered. His house was set set on fire, and another warning followed, that he himself would be attacked. That second warning also he despised, and still persevered in his course with an intrepidity worthy of his cause, and not until the poor Roman Catholics who frequented his lectures were attacked and molested, did he desist from his labours, He gave these three specimens, and was content with them, though he might easily multiply them to meet the assertions of a very high authority—no less than the Lord Lieutenant of Ireland. He was not at liberty to say where the noble Lord made those statements—he was not at liberty to allude to those publications which might have reported the noble Lord incorrectly, but he was at liberty to allude to a speech which the noble Lord had published to the country as his declared opinions on the state of Ireland. He found in that speech, as well as in the sources from which it had been derived, that the noble Lord, in answer to a statement of a noble Duke, was made to say, that " since he had been appointed to the office of Lord Lieutenant of Ireland, no clergyman had been murdered in Ireland, and that there had been no murderous attacks on account of religion." That statement was most satisfactory, if correct; but would the House believe, that one month after the appointment of the noble Earl to the Lord Lieutenancy of Ireland, the rev. Mr. Dawson, a clergyman in the county of Limerick, was murdered in broad day light? The Earl of Mulgrave sought by his statement to communicate to the other House and to the country that the lives of Protestant clergymen were safe in Ireland. Would the House, however, believe, that when referring to the returns moved for, and obtained by his hon. and learned Friend, the Member for Bandon, he found, that in two years no less than twelve violent assaults upon clergymen were proclaimed in the *Gazette*, for which rewards were offered; and, doubtless, there had been many more of which the *Gazette* had taken no notice. But he would take one part of Ireland, one diocese, that of Cashel and Emly, which embraced the County of Tipperary —a county which the House and the country had recently been informed, by a learned judge, was in a state of profound tranquillity. He would take a few facts connected with that diocese. In September, 1836, the rev. Mr. Coot was fired at, and narrowly escaped with his life—and in that case a reward of 50*l.* had been offered. The next was the rev. Mr. Herbert, of Newinn, who was attacked and wounded. The next the rev. Mr. Galwey, of Clonbeg; then the rev. Mr. Banner, who was attacked and nearly murdered in his own yard; and lastly he would instance the case of the rev. Mr. Scott, of Pallas Green, who was three times attacked, and three times escaped, because information had been sent to him by an individual who had an insurance upon his life. These, with the case of the rev. Mr. Bagnal, of Ballintemple, made six instances within the period of Lord Mulgrave's Government, where clergymen had been made the special objects of attack, and had narrowly escaped with their lives. How then was it possible that the House or the country could receive the assertion that the lives of the clergymen were safe in Ireland when it appeared that matters stood thus? What did the noble Lord mean? Did the noble Lord mean to say, that the clergymen were safe because the assassins were bad marksmen. It was with unmingled surprise, he heard, that a nobleman should have the courage to make such a statement as that to which he had alluded. But these cases which he had mentioned, were those of Protestant curates, who had nothing whatever to do with tithes. Still, it had been said, that the curates were tainted with tithes. He would, therefore, take the case of persons who were not even curates, and who derived no emolument from tithes—he meant that of the missionaries in the islands in the west of Ireland. With respect to them, he would say, that they were just like the independent or Wesleyan missionaries to the Pacific or Western Islands, and all he asked was, that the lives of the missionaries in Ireland should be as safe as the missionaries to Otaheite, and that they should be as secure under the impartial and vigilant (as it was termed) Government of Lord Mulgrave as their fellow-labourers were under that of the barbarous chieftains of these savage islands. In the year 1834, it appears that the rev. Mr. Nangle went as a missionary to Achill, an island on the coast of Ireland, and that he was welcomed there warmly by the inhabitants upon whom the denunciations of the priest had no effect, and in a short time the influence of the missionary became very considerable. At that time the Roman Catholic Priest of the island was a rev. Mr. O'Meara, who was not thought to be sufficiently strong in his denunciations; he was removed, and his place supplied by the rev. Mr. Conolly, who was supposed to be of fitter temperament for that object. That rev. gentleman denounced Mr. Nangle in unmeasured terms, but even all his efforts failed to persuade the inhabitants of Achill to turn their hands against the missionary, who had gained their veneration and esteem; and, accordingly, in the autumn of 1835, a period signalised by the procession of Lord Mulgrave, through Ireland, no less a personage than a Roman Catholic Archbishop, Dr. M'Hale, visited Achill with twelve priests. That he might not underrate the character of Dr. M'Hale, he would show the manner in which it was spoken of by the hon. and learned Member for Dublin. The hon. and learned Gentleman thus described him:—"He is a man of gigantic talents, of the greatest accomplishments, the most profound theologian of his church—a man whom he was proud to call his venerable friend." At a meeting of the Anti-Tory Association, in Dec., 1834, this was recorded of Dr. M'Hale by the hon. and learned Member for Dublin. However, Dr. M'Hale went to the island of Achill, and the accuracy of the facts he was about to state, could not be doubted by the House, inasmuch as they had been proved in courts of justice, and before a Committee of the other House of Parliament. In the first place, what had been proved to be the language used by some of those twelve priests in the chapel of Achill to their poor illiterate followers? He heard a portion of a sermon preached by one of them, in which the people were thus exhorted:—"Hold no communication with those missionaries; neither borrow nor lend, buy nor sell to them; shew them no kindness; withhold from them common courtesy; they are accursed of God and his Church, and should be abhorred." Another of those priests, named Conolly, had been proved to have said, "If any one of them (the missionaries) comes up to you in the field, knock him down with your spade, or stab him with your pitchfork." By others, women had been directed, if the missionaries came to their house, to be prepared with scalding water, and their husbands with sharpened pitchforks, and to direct them against the missionaries. Such had been the language delivered in the presence of Dr. M'Hale in the presence of one or other of his twelve priests, and the effect was immediate; the men were attacked; the women were assaulted; even children did not pass unhurt, and the missionaries themselves had scarcely escaped with their lives. Now, in order to show how entirely the feelings of the people themselves differed from those of the priests, he begged to bring forward one fact. After all this violent language, and all the outrageous attacks, so lately as last spring, the Roman Catholic inhabitants of Clare Island, requested one of the missionaries (the rev. Mr. Baylie) to come and live amongst them, and give them the comfort of his pastoral assistance. He went, was most gratefully received and welcomed, and all went on well until July last, at the period of the general election. The House would not fail to have observed, that, in Achill, all had been peace and tranquillity until Dr. M'Hale and his priests visited it. In Clare Island the same was the case from March, until July, 1837, when Dr. M'Hale and his apostolic missionaries of peace landed at Clare Island. On a former evening the noble Lord, at the head of the Home Department, had said, that he strongly condemned all political harangues on the part of the bishops of the established Church, and he trusted the noble Lord would equally condemn such language as a Roman Catholic Archbishop in Ireland had adopted. In July last the elections came on, and Dr. M'Hale had sent an excuse for not being present at the hustings of a particular county in Ireland. What would be said if any of the archbishops or bishops of the Established Church presented himself at the hustings of Middlesex or Surrey? What a shout of indignation would be heard from the benches opposite—and yet Dr. M'Hale, in a letter published in the newspapers, regretted that he could not be presented at the hustings of the county of Mayo; and why? Because he said, his presence was required to put out the venomous fanatics who had invaded Achill. Now, what was the consequence of Dr. M'Hale's crusade against the missionary of Achill? He was obliged to fly for his life and take refuge under the protection of the coast guard, and the islanders told the coast guard that they had the archbishop's orders to take his life. Such were the provocations to bloodshed addressed to the Roman Catholic laity by their bishops and archbishops. He could multiply instances of their interference for this purpose. There was the case of Mr. Stoney, who was guilty of holding a controversy with a Roman Catholic priest, and for this offence was attacked on the highway. He did not say anything of the soundness of Mr. Stoney's controversial doctrines, possibly he might not like them much; but what he did say was, that a man ought not to have his head broken for an argument. There were lectures given in Dublin by Roman Catholic priests on points of doctrine respecting which the Church of England and the Church of Rome were at issue, and Dr. Wiseman some time ago gave lectures in London on the same subject. All this was very fair and very proper; but was it to be endured, under the benignant and vigorous administration of Lord Mulgrave, that Mr. Stoney should not have a controversy with Priest Hughes without being attacked on the highway? He had still a more pungent illustration of the kind of influence which the Catholic priesthood exercised. It was the case of a simple steward, Mr. Tully, of Halston, who had spoken to his neighbours, who were in the habit of drinking a little too much, and of indulging in other vices, and advised them to read their Bibles, and leave off their intemperate habits. Now, one would have thought that this was no very grievous offence; but it seemed that in the eye of the Roman Catholic priests it was an offence for which the man ought to be punished with death. The parish priest denounced him from the altar on the 16th of September, 1836, and on the very same day, two hours afterwards, four ruffians repaired to the house of this Presbyterian steward, and, not finding him at home, beat his servant nearly to death, of which offence they were convicted at the Quarter Sessions. There were numerous other cases in which Roman Catholics who had ventured to read the Scriptures had been deemed to be guilty of an offence that ought to be visited with death. The Scripture-readers were denounced by the priests, and they declared that no man should read the Scriptures to a Roman Catholic. They pronounced most dreadful curses against all who should venture to disobey their injunctions, and the following was a specimen of the style of their anathemas—"one hundred thousand curses against any man who would take a Bible from a Protestant." He must say, then, that reading the Scriptures, or even controverting doctrines held to be essential by persons belonging to the Roman Catholic communion, ought not to bring peril of life and person with it; and that if these denunciations, made by the priests from the altar, led to assaults upon the parties against whom these denunciations were directed, it became the law of England to step in, and to give them protection for their lives and property. He had it on the respectable authority of Mr. Winning, that whole families, teachers, and scholars, had been most inhumanly abused, and that his informant had seen them covered with wounds and bruises, their faces disfigured, and their eyes closed. He would not weary the House by entering into the details of many more cases of this kind, but there were two to which he would venture to advert, as they afforded a vivid illustration of the manner in which the life of a Roman Catholic was placed in jeopardy if he dared to think for himself. A Roman Catholic schoolmaster had the audacity to go to a Protestant Church; on the same Sabbath, in open day, on the high road, that man was murdered, and the parish priest took out of the murdered man's pocket some Protestant books, and said to the assembled people, who were looking at the bleeding victim, that his death was a judgment of God. Again, in the parish of Ballinrobe, an old woman at the point of death sent for the Protestant clergyman of the place, and when he asked her how it was that she, a Roman Catholic, had sent for him to attend her in her last moments, her reply was, "I have been a Protestant these ten years, but I never dared to acknowledge it, because I knew that if I did, every member of my family would be obliged to leave the parish, or would be exposed to the most constant and the most unwearying persecution." Thus that woman, with such deep conviction of the truth of the Protestant religion, that she would not leave the world without receiving spiritual consolation from a clergyman of the Established Church, had been obliged to suppress her own convictions for ten long miserable years, because she dreaded what the consequences would be to her family. And let the House mark what the consequence was. It became known, that the woman had died a Protestant, and her family was obliged to quit the parish; these were the proofs of impartial justice, of vigorous administration, and of the unbounded and halcyon tranquillity that was to be found under the Government of Lord Mulgrave. But this was not all. Attempts had been made, by assaults upon Protestant clergymen, to put down free worship in Ireland. He had met with twenty-three cases of this kind in the course of his own limited experience of Ireland. [*Hear.*] He had met with these twenty-three cases within the last few months, and if he had possessed that more extended acquaintance, and that larger connection with Ireland, which the gentlemen who cheered enjoyed, he doubted not that those cases would have increased a hundred fold. He would, however, give a specimen of those which had come within his own knowledge. In Waterford, in 1837, as the noble Lord (Lord Morpeth) perfectly knew, the service was violently interrupted, and the Protestant clergyman was obliged to leave the room in which it was performed. In Limerick, in 1836, a clergyman, not of the Church of England, but of the Presbyterian persuasion, was treated in a similar manner. He did not mention the disturbances which had taken place in Carlow, but an occurrence which showed that not merely the Church of England, but Protestantism, was to be extirpated if possible, took place in Ballyshannon, in November, 1837, when a Wesleyan congregation was assailed. On the 8th of August, 1836, the dean of Cashel was attacked in the Church-yard with violence, and he was obliged to desist from reading the service for the dead. In Carlow, Mr. Emerson was attacked in like manner. He knew what would be the defence which would be set up in answer to his charge — provocation by controversy; but he would then repeat his former question—were we in a free country, and had we a right to enjoy liberty of opinion? Mr. Emerson and Dr. Adams, however, could not be charged with exciting the ill-will of the Roman Catholics by controversy, for when they were interrupted they were performing the last services over the dead. Such were the facts of which he had given specimens. He asserted, then, that in the first place, curates, possessing no connexion with tithes, were attacked, and that missionaries were hunted as if they were wild beasts, and that these consequences flowed from the denunciations of the priests, and not from the bad feeling of the Roman Catholic population. Such were the facts. What then was the conduct of the Government? The noble Lord at the head of the Irish Government had told the country, that there unhappily did exist in Ireland combination to a considerable extent, but that it was a combination for the purpose of obtaining land, and that as to any combination of a bigoted kind existing, no such thing was to be found. Now, with such facts staring him in the face, how could the noble Lord have dismissed them from his mind when he delivered that sentence? The noble Lord then boasted of his vigorous administration of justice. What were the facts? The noble Lord proclaimed in his *Gazette* certain rewards for the discovery of criminals. The sum of 13,000*l.* was offered for detection, and how much did the House think was paid? It appeared from the noble Lord's own returns that 320*l.* was paid, so that, out of every forty-one offences, so gross,. so flagrant, that the Government of Ireland considered it necessary to offer a reward for the apprehension of the offenders, forty were unpunished. Out of every forty-one rewards forty were unclaimed, and one claimed. Next the noble Lord attacked the landlords of Ireland, and attributed to their conduct the heartburnings by which the country was distracted. He was not there to defend the landlords of Ireland. It would be very unbecoming in him to attempt to do so, when they were ready and able to defend themselves; but this he would say, that in one of the two cases to which the noble Lord referred in proof of what he had advanced, he attacked a noble Friend of his, who instantly rose in his place, and extracted from the noble Lord a confession, that the only authority which he had for the statement was derived from the miserable pages of a country newspaper. He knew, that the noble Lord would say, that since that time fresh information had transpired. But that circumstance did not affect the correctness of his allegation—that when the noble Lord made the charge his only information was derived from newspaper authority. But suppose, that the landlords of Ireland were guilty of all that the noble Lord had laid to their charge, how was it that the noble Lord did not tell the country of Dr. M'Hale's itinerant visit to Achill, and of the mild and benignant influence which flowed from his instructions? If that were the only accusation which he had to bring against the Government, he would say, that he considered the Government was deeply responsible for the suppression of facts with which they must have been acquainted. This, then, was one charge; but he had another to prefer. Not only had they not interfered to protect the Protestants, but they had themselves abetted the policy of the Roman Catholic priests. In 1835 the priests of Connaught, with Dr. M'Hale at their head, addressed Lord Mulgrave in a strain declaratory of their anxiety to see harmony and tranquillity maintained in Ireland. The reply of Lord Mulgrave contained a passage in which he said he could see no reason why he should not expect to see them distinguished by the brotherly love which so well befitted their station. One short month after this amiable interchange of blandishments, the priests of Connaught were doing all in their power to excite the people against their Protestant brethren. The noble Lord, as the House knew by the case of Captain Vignolles, was in the habit of writing homilies of advice. Did he send, he would ask, a letter to those agitators, and say, "I thought you were ministers of peace, but I find you ministers of war?" He should like to know whether the noble Lord had addressed to Dr. M'Hale any exhortation of that kind. All that the noble Lord did was to encourage his right rev. correspondent to go on in the course which he had begun. When the magistrates at Tuam refused to interfere to put a stop to the outrage which occurred there, they were not dismissed, as was the case with his hon. and gallant Friend, the Member for Armagh. Again, when a constable laid hold of a Protestant preacher and put him in prison, so far was he from being punished, that he was promoted to be a stipendiary magistrate. Again, when the constable at Waterford declined to interfere in order to preserve the peace on the occasion of the riots in the cathedral, and desired the clergy to keep the peace themselves, the Lord-lieutenant certainly told him that he had done very wrong, but he was not punished for his misconduct. But he had not done yet. When the Government of Ireland was in fear of Protestant processions, nearly all the troops in the country were marched down to Ulster in order to keep the peace: was any force sent to preserve tranquillity among the islanders of Achill? A churchyard was desecrated in Carlow, but no reward was offered for the detection of the offenders; and although a reward was offered for the apprehension of the parties concerned in the outrage of Derry, it was only after many representations had been made to the Government on the subject. Again, a Protestant clergyman was attacked, and what was the reward offered by the Irish Government for the detection of the murderer? The sum of 50*l.* Nearly at the same time, and in the same district, the dairy of a notorious agitator was broken, and the reward offered by the Lord lieutenant for the apprehension of the parties concerned in this most nefarious and unparalleled outrage was—how much did they think? 75*l.*! He should have ventured to suppose, that the life of any man, much more that of a Protestant clergyman, was of more value than the contents of any dairy; but this was the manner in which the Irish Government had exerted itself to maintain the independence of Protestant worship and the security of the Protestant ministers of Ireland. There was one remark often made in this House in which he fully agreed, that there had been much mal-administration on the part of the English Governments in Ireland. Without referring to the Administrations since the Union, adverting only to those of the last century, he could not but admit, that, whether in the hands of Whigs or Tories, there had been one characteristic vice in the Irish Government, that it had deferred to the wishes, and consulted the interests, of a small portion, too often of some leading families in Ireland, instead of promoting the interests of the great body of the people. They had governed in deference to the views of a few, and it mattered not to him though these few were Protestants, and boasted of their exclusive regard for Protestantism. But it did not improve the matter, that the present Government adopted the like vicious system, only that the interests which they consulted, and the views by which they were guided, were those of an opposite, though of an unequally narrow section. Their policy was directed by the Romish hierarchy, and was made subservient to the worst effects, of the worst and most intolerant section of the Irish priesthood. On this ground he could not but arraign in the strongest terms the system of policy pursued by the present Government in Ireland. The hon. Gentleman concluded by moving for the returns, as previously specified.

Viscount *Morpeth* begged to state, as a matter of fact merely, and not as a matter of reproach, that often as the notice of the hon. Gentleman opposite had appeared on the votes of the House, he had never received from him any intimation that he intended to urge any ground of complaint against the Government in connection with the motion, or that he intended to do more than simply to move for the information which he was both ready and willing that the hon. Member and the House should be supplied with. Having been wholly uninformed, therefore, as to the particular cases which it was the hon. Member's intention to bring before the House, he was not sure that he should be able, with respect to all the cases the hon. Member had mentioned, to join in the discussion with him very fully; but he should not, at the same time, shrink from grappling with the inferences the hon. Member had drawn from his statements. He had no need to observe that many of the details stated by the hon. Gentleman could not fail to excite in his mind, and in the minds, he should think, of every one present, feelings of the deepest concern and of unqualified reprobation. They partook largely of some of the worst ingredients in the bitter cup of human woes and wrongs, religious bigotry and persecution. Too long had that cup overflowed in Ireland; and he was not speaking in palliation of the offences which had been committed, but he was speaking the language of sad experience and consenting history; that in that unhappy country, all sects and parties had, in their time, given but too many opportunities for recrimination, and too many incentives to reprisal. As a Protestant himself, he trusted that he was not wanting in zeal for the honour and welfare of the faith to which he adhered, but he should be still more wanting in truth if he claimed for the Protestants on the soil of Ireland an entire acquittal of the charge of having given offence and of having provoked hostilities from the votaries of the other creed. He would not go very far upon this point however, but he thought it would be found, that if a fair view were taken of the state of Ireland, it would be seen at once that all the wrongs which were complained of did not proceed from one side only. The instances of violence were not confined to the Catholics, but there were numerous instances of disrespect being shown to the Roman Catholic places of worship, and of outrages being committed in them; and cases might be quoted in which the Protestants of Ulster had behaved with great violence even to the teachers and scholars of the new national system of education. A communication had reached the Government not long ago, in the year before last, which he would read. It was as follows:—

"In the month of September, 1836, it was considered not only useful but necessary to have a bell placed on the chapel of Loughgall, for the purpose of summoning the people on Sundays to morning and evening prayers, as also to toll for funerals. To effect this, a voluntary subscription was set on foot: not only did Roman Catholics, but Protestants, contribute generously. In the beginning of August, 1837, the bell was placed in the belfry, and continued to toll unmolested for some Sundays. But it was clearly observable to all, in the month of September, that the spirit of party, which had been scarcely visible in this neighbourhood, began to appear as openly as ever. Many circumstances tended to arouse this spirit. The beating of drums became much more frequent on Beaver's-hill, Cock-hill, Clonmain, and in the other places where it had been partially discontinued; the Orange lodges, which in this neighbourhood had, indeed, neverbeen closed, were more numerously attended; shooting-matches were carried on at Robert Orr's house, in the vicinity of the chapel; threats were held out that they would soon pull down what the Roman Catholics had raised; an emissary was sent to the Birches to call upon others to assist in wrecking Loughgall chapel. This person, named John Lounsdale, was heard declaring, that all was already planned—that a number of armed men were to come from the Birches, as many from Killyman, to destroy the chapel. This can be attested by John M'Guick, of Derryvinney. The officiating clergyman, having got timely intimation of the premeditated attack, called on the police for assistance; but as their presence was observed, the attempt was postponed to a later time; this first intended attack was on the 1st of September. On the 28th of the same month (September), information was given to policeman Cavanagh, of the Charlemont station, that a party were to proceed that night to the work of destruction at Loughgall chapel; the informant is a respectable Protestant (whose name must remain secret, unless absolutely necessary to be disclosed), who wrote to the captain of the police in Armagh, recommending him to prevent such an outrage. A police force of seven men was sent out, and arrived at the chapel at one o'clock on the morning of Friday, the 29th, just in time to prevent the completion of the deed; the Loughgall police not being there, who did know the localities, and the others not being acquainted with them, gave the wreckers an opportunity of effecting their escape, after leaving all the implements behind them which they had carefully brought, viz., ropes, a cable, a crow-bar, a ladder, a sack of hay to mount the roof with, and two handspikes. From this time it was openly announced, that, despite police or any force, they would accomplish their design. The police sergeant, Wilson, heard it often declared; an increase of four men was added to his station; they patrolled occasionally on the Chapel-road at night, and often met with threats and insults. At length, on the 6th of October, word was brought both to the clergyman and the police, that preparations were making in different parts for an open and violent attack; and although a police force of twelve men were ready to repulse the attack, yet fearful of affording a pretext for a renewal of the horrors and wreckings that occurred about three years since in this neighbourhood, and disposed to sacrifice his own feelings rather than the people be exposed to these midnight marauders, the officiating clergyman directed the bell to be taken down. As had been threatened, they did come in considerable numbers. In the Birches, they were seen assembling by Samuel Hanlon. About a dozen of that party were seen returning home, all armed, at twelve at night, by Mathew M'Niece. About twenty of the Diamond party were not only seen returning by Elizabeth M'Guick, armed, and all dressed in white trousers, but were spoken to; they threatened to shoot her, broke all her windows, and destroyed some articles of furniture about the house."

Another instance which he would name was of rather a ludicrous character, but it still served to show the feeling of the people. A calf's head was placed on the altar of a Catholic chapel on a Saturday night. He would next refer to a proclamation in *The Dublin Gazette,* March 31, 1837:—

"On the 17th instant, a number of men (amongst whom was one named John Shannon) sworn to belong to the Orange Lodge, No. 115, met at the house of J. Lindsay, publican, of Tanderage, in the county of Armagh, and severely beat a man named John Hughes, for refusing to utter profane party expressions; and on the following night, in consequence of the said Hughes having lodged informations for the assault, a large party broke into the house where he was sleeping, and pushing him on the fire, held him there until he was seriously burned."

The next case which he would read had reference to Mr. Gore Jones.

"When the verdict against Mr. Gore Jones was made known, the Orangemen paraded the streets of Portglenone and Kilree on the 28th of June, 1837. They burned tar-barrels, together with the effigies of Mr. Jones and a most exemplary Catholic clergyman, shouting, 'To hell with the Pope and traitor Jones!' Stones were thrown at the police when they made an attempt to discharge their duty; and such was the terror excited, that no Catholic dared to open his door during the night."

At the Ballymahon Petty Sessions, of Nov. 20, 1837, three gentlemen, he did not wish to mention names, but some of whom were magistrates, and one of whom was one of the persons returned in the judges' list as high sheriff for next year, were charged with rioting, and a violent assault, on the night of the 15th. The gentlemen were drunk, after a foxhunter's dinner, and assaulted some countrymen on the road, shouting at the same time, "Fox for ever!" "To hell with Higgins, Dawson, and M'Gaver (three priests)! where are they now? We'll trample on the Papist spirit, as we ever did." One of the gentlemen had a pistol, which he presented at a witness. Informations were received against the party, who were bound over to appear at quarter sessions. He would next quote a case which was most painful in its nature.

> "On the eve of St. Peter and St. Paul (28th June, 1837), at Mullyash-mountain, county of Monaghan, a number of children were amusing themselves round a bonfire, which had been kindled in honour of the festival (a Catholic Observance), when some men from a higher position on the mountain, fired a volley, killing two, and wounding two others, all children of an honest and inoffensive Catholic farmer."

It might be observed, that this charge was not brought home to any party, and that it was not fair, therefore, that it should be charged to the Protestants. He was quite content that this mode of considering the question should be adopted, provided, however, it was carried out; for if it were adopted in one case, it must also be adopted in another, and it was not fair, therefore, to attribute the murder of Mr. Whitty and Mr. Ferguson to the Catholics, as it had not been distinctly brought home to them. There was another murder committed at Ballyjamesduff, which was described to have been committed only on a hellish Papist. He was not, then, to be told that all the outrage and provocation was on one side. Unhappily, in a country torn by contending parties like Ireland, outrages would take place; but they could not be imputed to one particular class by any persons who would fairly look to the outrages that had been committed in the north of Ireland—the wrecking of houses, and the ejectment of the tenantry. He did not think, then, that it was either fair or candid to represent all the outrages and offences as coming from only one party in politics or religion. But whatever had been the effect in previous times, this he could safely venture to say, in vindication of the noble Earl at the head of the Government in Ireland and of himself, that it had been their single and undivided desire to give full protection to all parties and to all persons, of whatever religious denomination, to give to all, without distinction or difference, the equal protection of the law, and to put down every shape and form of outrage. The hon. Gentleman spoke of the want of equality in the administration of the law by Lord Mulgrave's government, and remarked on the disproportion that existed between the rewards offered for the commission of outrages, and the amounts that were really claimed and paid. On this point, he would refer to former experience; he would refer the hon. Gentleman to what had happened under former governments in Ireland, and it would appear that although a great number of rewards were offered, there were very few instances of these rewards being claimed. Was that fact, then, to be brought forward at the present time as a charge against Lord Mulgrave's government. Neither himself nor that noble Lord had been brought up in a school—and his noble Friend had shown this in every clime, and to persons of all colours—where they would acquire those feelings which would make them indifferent to religious liberty; and for himself he would add, that he never would be a party to gag the gospel. The hon. Gentleman stated, that he had omitted from his present motion all outrages which arose from the collection of tithes; but whether this arose from that being the origin of almost all the mischief and excitement, he could not say. But, independently of this, he understood the hon. Gentleman to say, that there existed a systematic persecution of the Protestant clergy and of Protestants generally, and that the Government actually connived at this organised system of terror. Now, whether the persons who had been the subjects of these outrages had made a confidant of the hon. Gentleman, and had sent information to him which they had not thought fit to communicate to the Government, he could not tell; but he hoped when the documents were produced—and he would take care that they should be, accompanied with the correspondence and statements which would explain all that had taken place in regard to these alleged outrages—that they would show, that there had not been wanting on the part of the Government the disposition to take all proper steps to expose and punish them. The hon. Member alluded to a speech that had been made last year in the House of Lords, by the noble Earl at the head of the Irish Government, in which he stated, that since the period at which he took upon himself the administration of public affairs, no Protestant clergyman had lost his life in Ireland by violence or outrage. He admitted, that his noble Friend had omitted, no doubt from the forgetfulness of the moment, the case of Mr. Dawson, who was murdered during the first month of his noble Friend's administration in Ireland. But if the character of the Government was to be determined by the number of outrages against Protestant clergymen and Protestants generally, he could claim for the Government to which he belonged a very favourable contrast as compared with former administrations, for the life of no Protestant clergyman had been lost during the last three years, and, therefore, virtually, to almost the fullest extent, the statement of his noble Friend had been borne out. The same, however, could not be said in behalf of those governments with which the present was placed in contrast. The hon. Gentleman was not the only one who had made such statements as that which he had that night addressed to the House. One had recently appeared in a country newspaper in Ireland advocating the same political principles and actuated by the same feelings as evidently influenced the hon. Gentleman on this subject. He should quote the passage he alluded to from *The Tipperary Constitution*, which was a strong Conservative newspaper, and which, by the nature of the language used, manifested the character which influenced it:—

> "Our vain viceroy is reported to have stated in his place in the House of Lords, that 'no clergyman of the Established Church had received either insult or injury during his abominable administration.' How he could thus dare to trifle with the outraged feelings of her Majesty's loyal subjects, we will not venture to say; but if he made such *ass*ertion, he has a very *mull*ed conscience indeed. In our last we furnished a list of those clergymen, who, during the past few years, were victims of Popish persecution, not only in property and person, but even unto death; many attacks, however, of an atrocious and savage nature, are omitted, and for the discovery of the perpetrators of some of them this very Mulgrave, or his ghost, has offered sundry rewards. The following catalogue, alphabetically arranged, includes those we have already published, and others which have come within our limited observation. We hesitate not to say there are many more, and rely upon the exertions of our Conservative contemporaries to make good the deficiencies. It is absolutely necessary to show the English public how little reliance can be placed on the vapourings of Lord Mulgrave."

Then follows the list of the alleged outrages:—

> "The Church of Ireland, at the present day, affords as frightful a list of martyrs in the cause of true religion as that given by John Fox. Some hon. Member should move that the list be laid on the table of the House, to show the fell spirit with which the Protestant clergy have been persecuted. The spirits of those men, who, in our own, and in olden times, witnessed a good confession and sealed it with their blood, call upon us, in this season, big with impending calamities, to gird ourselves for the defence of our holy religion—to unfold in the strength of the living God a cause which they sustained with their arguments and cemented with their blood. Protestantism, though slumbering, has in herself the elements of might. Let her awake, then, and quickly. The Philistines of Popery are preparing to pounce upon her, and plunder her of her precious privileges. Let her spread her wings, and be ready to bear down upon her foes. Yes, brothers, let us show, that the spirit of Protestantism, if it has lain dormant, has never been extinguished; but that there are staunch and true hearts among us, who hold religion dearer than their substance. Let us bind ourselves by the name of him who liveth and abideth for ever, to preserve unimpaired the privileges bequeathed us, and to hand down the true religion established among us unsullied to posterity, that it may become to future generations the same blessing and safeguard it has been to the past."

Now, in this list of outrages on Protestant clergymen, there were four cases of Protestant clergymen who were set down as murdered, all of which occurred long before either his noble Friend or himself was connected with the government of Ireland. There was another case—namely, that of the rev. Mr. Grady, who was alleged to have been pounded to death in the streets of Carrick-on-Suir, respecting which he had a few observations to make. In answer to this statement in *The Tipperary Constitution* respecting the rev.

Mr. Grady, a number of the most respectable inhabitants of the town of Carrick-on-Suir printed a document in another newspaper, denying the truth of this statement, which had been made a prominent topic of remark on the frightful state of Ireland in some recent newspapers. This paper was signed by eighteen of the most respectable inhabitants of the town, including the justices of the peace, the churchwardens, and the postmaster; and out of these eighteen persons eleven were Protestants. This document was as follows:—

"Having seen a publication in *The Tipperary Constitution* of the 12th of December instant, purporting to be a list of clergymen of the Established Church who had been killed or persecuted within a short period, and finding that the list has obtained circulation through the columns of some English papers, we, the undersigned Protestant and Catholic inhabitants of the town of Carrick-on-Suir, feel ourselves called upon, in justice to the character of the town, and in the cause of truth, to declare, that the part of that publication which represents the rev. Mr. Grady as having been 'pounded to death in the streets of Carrick-on-Suir' is a mis-statement. Mr. Grady's death happened in 1829, and was caused by accident. A quarrel having occurred between some of a party of the 76th regiment, then quartered in town, and some soldiers of the 65th, who were marching through, a riot ensued, in which part of the populace joined, and a boy was killed. Mr. Grady, who was a magistrate, and had been dining that day at Mr. Wall's, of Coolnamuck, was sent for, to suppress the riot; on proceeding through the street his horse came in contact with that of a policeman, who was riding at a rapid pace against him; the concussion was so violent that Mr. Grady was thrown off, and his spine so dreadfully fractured that he expired in four days after. This unfortunate accident occurred on the 8th June, 1829; and it is but fair to add, the rev. Mr. Grady was extremely and deservedly popular, and that his death was deplored and lamented by all classes of society, in the town, as well as by his own flock.—Carrick-on-Suir, Dec. 30, 1837."

So much for the story of the clergyman pounded to death in the streets of Carrick-on-Suir. Such was the ingenuity of faction, and the perversion of truth in which it indulged. Again, although the hon. Gentleman could not bring forward a case of murder, he dwelt at some length on the case of the rev. Mr. Hogg. If the hon. Gentleman would exercise his diligence in making inquiry into this case, he would find that the suspicions in that case were traced to other grounds than sectarian or religious difference. When, however, the hon. Gentleman was bringing his charges against Lord Mulgrave's Government for what had taken place, he did not allude to the language used by that noble Lord in reference to some proceedings that had recently taken place in the south of Ireland respecting the ejectment of the peasantry. On that subject, however, he should be happy if Lord Bandon would avail himself of an opportunity of giving even some further explanation on the subject. The hon. Gentleman had alluded to an outrage that had taken place in the churchyard belonging to the cathedral of Derry, in consequence of the Roman Catholic clergyman going into it for the purpose of performing some religious ceremonies at the grave of a lady of that creed. That subject was brought under the attention of the House a short time ago, and he had thought after the discussion of the other night that the general feeling of the House seemed to be that of satisfaction with the course taken by the Government. The hon. Gentleman also alluded to certain proceedings that were alleged to have occurred in the church of Tuam, and he complained, that the Government did not dismiss the magistrate who refused to take cognisance of the matter. It appeared from the statement of the magistrate who had been called upon to give an explanation of his conduct, that he had thought that there was a great risk of popular tumult in case Mr. Nolan was allowed to preach. He had himself written to the magistrate on the subject, and had felt it to be his duty to censure him for the conduct he pursued on this occasion: he, therefore, could not on this point be charged with conniving at a breach of the law, and with not being willing to allow full liberty of preaching. As for what had taken place in the cathedral of Waterford, he had no doubt that he should be able to furnish a satisfactory answer to the hon. Gentleman's statement. The Government had taken every step in its power to bring the offenders to justice, not subsequently to, but previous to, the memorial alluded to by the hon. Member being presented to the Government. It was said, that the outrage had taken place, and the parties had been enabled to escape, in consequence of the want of vigour manifested by the Government. He could only say, that the Crown Solicitor, who had been instructed by the Government to prosecute the persons guilty of the alleged outrage, declared that he had taken every means in his power to vindicate the law. He stated, that he called upon the solicitor for the memorialists, and told him his object was, to obtain such information as would enable him to bring the offending parties to trial, and if possible to convict them; and he also said, that he made the application for his assistance in consequence of a communication with which his excellency had honoured him. He added, that previous to the trials some communications took place, and this Gentleman stated to him what he thought certain witnesses would prove, but he declined co-operating with him on their trials. So, then, it appeared the fact was, that the solicitor employed to conduct the prosecution and carry on the indictment on the part of the Crown was refused assistance in those proceedings by the solicitor of the memorialists, and, therefore, he was unable to bring those who committed this outrage in the cathedral of Waterford to justice. The hon. Member had imputed to the Government a want of zeal and good-will in putting a stop to such outrages as those that had been committed in the cathedral church of Waterford, and above all, he charged them with the desire of preventing the preaching such truths from the pulpits of Protestant places of worship as the rev. persons whose duty it was to perform the offices of divine worship felt it their duty to put forth. Now, what were the orders that had been issued by the Government on this subject? The mayor of Waterford, on being called upon for an explanation of his conduct in reference to the case to which he had just adverted, stated that he did not interfere on the occasion because he had previously warned the rev. gentleman against pursuing the course which he had intimated that it was his intention of doing, and he had urged him not to discharge the high functions of his sacred office in a way which was likely to lead to riot and confusion. On this answer being received from the mayor of Waterford, the Lords Justices, in the absence of the Lord-Lieutenant, addressed the following communication to him:—

"The Lords Justices are satisfied that the mayor, in adopting this course, was actuated by a very laudable desire to prevent any disturbance of the public peace; but their excellencies are apprehensive that, in his anxiety to attain this desirable end, he may have overlooked the important object of preserving to every clergyman the free and unrestricted exercise of his right to preach in any place of worship legally offered to him for such purpose, and to discuss any such subject as that announced in the accompanying placard. Their excellencies would suggest, that the more advisable course for a magistrate to adopt, if he apprehends any breach of the peace on such an occasion, would be, to give public warning of his intention to have taken into custody any one who shall interrupt the preaching and thereby be the cause of a public disturbance. With respect to preaching out of doors, circumstances may render it the duty of a magistrate to prevent or put a stop to it; but, with regard to preaching within doors his object should be to impress on those whose feelings are likely to be hurt and excited by such discourses, that they have themselves to blame, if they hear language and sentiments which are offensive to them. The acceptance of the invitation addressed to them is not compulsory; but if they choose voluntarily, and of their own accord, to be present, they must observe the decent demeanour becoming those attending a place of worship. The magistrate has full power to enforce such propriety of conduct; and the law has put at his disposal ample means of giving effect to his authority, if it should be resisted."

He must also say, that when the hon. Member represented the preaching the truths of the gospel to be such a dangerous thing, and stated that when it was done openly and boldly, it was likely to be followed by loss of life and limb, he manifested anything but a familiar knowledge of what was passing in Ireland. The fear of what had been so strongly painted by the hon. Member, did not deter, at the present moment, the rev. Mr. Gregg from challenging, in the midst of a population, the very large proportion of which were Roman Catholics, the whole body of the Roman Catholic clergy to a contest with him on the tenets of their Church. The hon. Member had not alluded to a case that had recently occurred in the city of Londonderry, where a rev. Gentleman had been prevented preaching. What were the facts of the case? The rev. Gentleman alluded to by the hon. Gentleman, namely, the rev. Tully Cribbace, after complaining that he had been imprisoned by the magistrates of the city for preaching on the 28th of May, 1837, in the open air, went on to say:—

"The opposition to my preaching in this city, arises entirely from the high church and close corporation parties, who perceive that my doctrine being so well received by the intelligent and serious of all parties, was cutting up by the root their exclusive influence. In their first statement contained in the committal, they honestly bring forward the grounds of their opposition, and these are nothing but my religious principles, held by all Presbyterians and Dissenters, and to attack the preaching of which, therefore, is a direct violation of the Act of Toleration."

Thus her Majesty's Government, in this instance at least, flew to the vindication of religious liberty and full licence of preaching against the high church and corporation party of the city of Londonderry, who wished to put a stop to it. The hon. Gentleman had also dwelt on the state of the island of Achill, and on the great number of outrages and offences which he alleged were committed against the Protestant inhabitants of it. He did not deny, that a great deal of excitement existed there, and certainly in some respects called for the interference of the Government, but he was by no means sure that this would restore peace. What, however, had been said by the hon. Member had reference only to the complaints made on one side. Now he (Lord Morpeth) would read a communication which had been made to him, by the chief constable of police of the district, whom he had directed to make a report to him in consequence of the conflicting statements sent to him from all parties respecting what was taking place in this island. It might also be proper for him to state, that the chief constable from whom he received this document, was not appointed by the present Government, but had been in office since 1823, and that he was an officer of high character and great experience. He said:—

"I have read the annexed documents. The object of the Achill mission is to make converts from the Roman Catholic religion; a most violent and vindictive feeling of a sectarian kind is engendered thereby, and exists between the clergymen of both persuasions who reside in the island, and, as it generally happens, there are faults on both sides. The rev. Mr. Conolly, the parish priest there, represents that his religion and its teachers are held up to the public, and exhibited in the most revolting terms; that tracts are printed and published in the colony; letters inserted in newspapers, and doctrines preached at their chapel, in which the Roman Catholic religion and its teachers are maligned and abused; it is said, that they teach a system of religion which they know to be false; that they keep their poor deluded flocks in a state of ignorance, and withhold the lights of the gospel from them for the purposes of lucre; that they make merchandise of their souls, and they are represented (to make use of the words of my informant) 'as being little better than devils.' This naturally excites in the Roman Catholic clergy a feeling of irritation; and they not only encourage, but absolutely command, their flocks to insult, to hoot after, and to give every species of annoyance to every person belonging to, or connected with, the colony; and but that the fear of the law restrains them, they would use them much worse. About three or four months ago I spoke to the rev. Mr. Harley, who is curate to Mr. Conolly, and I endeavoured to represent to him the indecency and impropriety of encouraging the peasantry to treat those persons in this manner; he did not in the least deny that the flock was encouraged, and even commanded, to pursue this line of conduct; but he justified it, as he said it was only a retaliation for the manner in which their religion was maligned and insulted, and which he described to me in the manner I have stated above. It is said, that the Roman Catholic clergy go so far as to direct their parishioners not to furnish them with necessaries which they may have occasion for, such as provisions, manure for their ground, &c. As to the complaints made by the rev. Mr. Nangle and the rev. Mr. Baylie in the annexed documents, it is likely there is some foundation for them, although I have little doubt they are exaggerated, as, from what has taken place on a former occasion, I know these gentlemen are in the habit of magnifying every little incident which occurs; but whilst they continue to treat the Roman Catholic religion and its teachers with the contumely which they invariably do upon every occasion, they must expect to receive those species of annoyances. Anything which the law takes cognizance of, the magistrates who preside at Newport petty sessions, which are held every week, viz., Sir Richard O'Donel, Mr. Connell O'Donel, and Mr. Stewart, will afford them ample redress; these magistrates, although few in number are most efficient, and act with the greatest strictness and impartiality in the discharge of their duty. The police who are stationed in the island have received general directions to afford them, not only protection, but every facility in a legal way for obtaining redress for any grievance they may have to complain of; they accompany them whenever they require their assistance for protection, and on several occasions they have been called on for that purpose; they have facilitated their having summonses served for them, by giving protection to the summons server, which they thought was necessary, in order to bring their complaints before the magistrates; and they have endeavoured (but I am sorry to say ineffectually) to try to restrain the people from shouting and hooting after them. As to the case of Cassidy, the national schoolmaster which is represented in a document drawn up by the rev. Mr. Baylie, and signed 'Matthias Baines,' if Mr. Baylie had brought it before the magistrates, he would be sure of obtaining redress. It is perfectly true, that a man of the name of Holean, also a teacher in one of the national schools there, was lately convicted before the magistrates, and sentenced to two months' imprisonment or a fine of two pounds, for a very unprovoked assault committed by him and another man on two persons connected with the Achill colony. Both these men who committed the assault were punished by the magistrates—a proof they are ready to do their duty when called on. Holean suffered his confinement, and has since, as I am informed, returned to his situation as schoolmaster. I see no remedy for these disgraceful and annoying proceedings, but having the law carried into effect with strictness and impartiality, and which I think I can venture to say, the magistrates are anxious to effect."

The hon. Member also alluded to the case of interference on the part of Mr. Duff with the preaching of an individual of the name of Delany. It happened that Captain Duff was one of the most active and intelligent officers under the Government; but it was far from being his wish to state, that his arrest of Mr. Delany and his conduct to that individual were not unauthorised and unjust; but he had been censured for his conduct in this respect. The decision that he had come to on this question had been reversed, and he had been removed from the station where he was placed. There was no doubt but that Mr. Duff thought, that he was doing his duty, and pursuing that course which was calculated to preserve peace, and he was not singular in this respect, but still his conduct on this occasion was not held by the Government to have been justifiable. He would, however, read a letter on this subject which had been communicated to the Government by Mr. M. Saunderson, of Castlejames town, the gentleman to whom it was written. The letter came from the Rev. Mr. Fleming, a Protestant magistrate of the county, and was as follows:—

"Belturbet, July 6, 1836.

"Sir,—Feeling aware of the anxiety you have always evinced to preserve the peace of this county, and having, as a magistrate, often experienced the value and importance of your good advice on many occasions, I beg now to state a circumstance which has recently occurred here, in which the peace of this part of the country is vitally connected, and which I beg to solicit from you, as deputy-lieutenant, your assistance and counsel how I shall proceed should a similar occurrence take place, which I have reason to suppose may be the case. On Wednesday the 22nd June, a person styling himself the rev. Mr. Delany, a reformed priest, preached in the Methodist meeting-house against the errors of Popery, inviting all Roman Catholics to come and hear him. A large congregation of persons assembled, and, although his language on that occasion called forth much disapprobation and discontent, he got a patient hearing. On Friday the 24th June, he called upon me to state his intention to preach in the evening at the market-place of this town; that he apprehended a riot would be the result, and requested I would take proper steps to protect him. After taking his sworn depositions to that effect, I remonstrated with him upon the awful responsibility he incurred in assembling such a multitude of persons opposed to each other in religious opinions, and the impossibility of the police force I then had at my command being sufficient to prevent a riot, should such occur. I persuaded him to preach in the Methodist house, to admit his congregation by tickets, and I was confident there would not be any disturbance. In this he took my advice. For some time previous immense crowds of people, of all creeds, were assembling to this place of worship, and at the appointed hour (seven o'clock) the reverend gentleman took his position in the window of this house, for the purpose of allowing the persons outside to hear him. On his commencing to preach great shouting and hallooing began on the part of the Roman Catholics to prevent his being heard, and a general excitement took place. Mr. Nixon, a magistrate who was there, used his exertions to preserve the peace; and having but four police, and not finding his influence of any avail in obtaining order, called on a party of the Scots Grey, who came to his assistance. Before the dragoons had reached the scene of action, I had arrived, the respectable portion of the meeting having sent to me for my protection. I found an immense concourse of persons, Protestants and Catholics, in a great state of excitement, and on the eve of a general riot. The moment I made my appearance I was saluted by great cheering from the crowd; and after remonstrating with them and requesting them to withdraw from the meeting-house, they took my advice, assuring me there would not be any rioting. I regret to say, the rev. Mr. Delany's conduct upon the occasion was not that of a Christian minister of the gospel who wished to preach peace and conciliate all parties. Not deeming me sufficiently active in using coercive means with the dragoons to obtain for him a hearing, he addressed the multitude in something very near the following words, pointing to me, saying, 'I was a Popish Protestant, and I would take as much delight in the spilling of his blood as the veriest Papist in that assembly.' Was this the description of language which should be used by the preacher of peace and goodwill to men? This address had caused such indignation and excitement amongst the crowd, who were well aware I was using my best exertions to obtain peace without bloodshed, that Mr. Nixon brought the military into the preaching-house yard, and turned the people out. The reverend gentleman shortly after ceased preaching, and I escorted him in safety to the head inn, and dispersed this immense mob without a single breach of the peace. This statement I can substantiate by the testimony of most respectable witnesses if required; and I feel confident, if some strong measures are not adopted to prevent a similar occurrence taking place, bloodshed will be the result.

"I am, sir, your obedient servant,
"JOHN FLEMING.

"To Alexander Saunderson, Esq., &c. &c.
Deputy Lieut., Castlejamestown."

In pursuing, however, the conduct which he did, and in arresting Mr. Delany, the Government expressed their disapprobation of the proceeding, and removed Mr. Duff from his situation in that county. As to what had fallen from the hon. Member respecting Mr. Duff, he would only observe, that that gentleman had been made a sub-inspector long before the period alluded to by him. To show, however, that the doctrines of peace preached by Mr. Delany were not exactly in conformity with his practice, he might mention that Mr. Delany had, since the period of Mr. Duff's removal, been tried at the quarter sessions for an assault, and had been found guilty, and had been sentenced to three months' imprisonment. The hon. Member quoted some instances of violent language that had been used by Roman Catholic clergymen. No man could reprobate more strongly than he did the use of such language, not only as derogatory to religion, but as disgraceful to the sacred functions of a clergyman. But was this an offence to be met with only on one side—was the use of this species of provocation limited to the Catholic clergy? He would read another official report which he had received, which would show the nature of the language used by Mr. Delany and others towards the clergymen professing the creed of the great body of the people of Ireland. It was as follows:—

"I have the honour to report my arrival at Killisandra yesterday morning, accompanied by Captain Macleod, C.M., requisition as per copy annexed had been previously sent to Cavan and Belturbet, by the rev. Mr. Saunderson and Mr. Galbraith, for the attendance of the troops. It being the market-day, and for some days previously announced that Mr. Delany would perform the ceremony of the mass in English, disturbance was naturally expected. He commenced at about two and ended at half-past five o'clock. Vast crowds were assembled; and on his return from the meeting-house nothing but the troops, cavalry, and infantry being drawn right across the streets, could have restrained the people, who followed as far as they could, yelling and cheering. We had police patrols kept up through the town, which, with the influence of the Catholic leaders, had the desired effect, though the people were exasperated beyond description. Mr. Galbraith, J.P., applied for some police to be stationed at the door of the house, but which we declined allowing. It may not be unnecessary to remark, that yesterday neither Mr. Martin nor Mr. Saunderson appeared at the meeting-house, whether from disgust at Mr. Delany's expressions, or an order of the primate, I am unable to say; and in order to convey to his excellency's mind, that the Roman Catholics have some cause for being exasperated, I shall take the liberty of quoting Mr. Delany's expressions, which I myself heard on Thursday, as also chief constable Keek."

And here he would remark, and he did so with great regret and reluctance; but as a free picture had been drawn by the honourable Member of the violent language used by Roman Catholic clergymen, he thought that he was bound in justice to show the nature of some of the provocations which they received from the other side. These were the expressions used by Mr. Delany on the occasion in question:—

"Now, as to the sacrament, mind, my hearers, the Scripture tells you not one bone of our Saviour is to be broken. Though the priest give you fifty pieces of bread, and tell you thereby making fifty little Jesuses; and that they first put it into the chalice, and mix it with the wine, take a drink, and then have a belly full of little Christs."

On this expression loud and general laughter took place, Mr. Delany being the first to lead in it by sneeringly remarking, "He had not yet lost the knack of doing the business." When such language was used by those who called themselves Protestant clergymen, and by divines of a Church which professed to regard the elements of the Lord's supper as consecrated, he could only designate it as being in his own view the most disgusting and offensive ribaldry, but in the view of sincere Roman Catholics it must have assumed a character that made him cease almost to wonder, that they should have forgotten even the sanctity of the roof under which they were assembled, and only have remembered that God is greater than his temple. There was another case to which he should refer, which the hon. Gentleman did not allude to amongst the attacks which he said had been made on Protestant clergymen in Ireland, not because the hon. Gentleman was unwilling that his canvass should be filled up, for he talked of his limited knowledge of Ireland, and added that he should leave it to others to fill up the picture that he had attempted to draw. The following letter was addressed by an hon. Member to a clergyman of the Established Church in Ireland:—

"Reverend Sir,—Will you kindly indulge me with the particulars of the attack made upon your Church, and threatened upon your house and family, on February 3, 1837. What I particularly wish to know is—1st. If you had given any provocation to the Romish party, by preaching against their doctrines? 2nd. If your suspicion lights upon any parties, and whether that party is out of your parish; if the general terms on which you are with your Roman Catholic parishioners are amicable? 3rd. If you can trace any instigation of the priest to the assault? 4th. What steps the Government have taken to detect and punish the offenders? 5th. If you know of any other assault on the persons or property (not tithe property) of the clergy since the summer of 1835? I trust that you will excuse my applying to you on public grounds, and will kindly favour me with an early answer. Address to me, London.—I have the honour to be, reverend Sir, your obedient servant,

"J. C. COLQUHOUN."

He would now read the reply sent to this communication, in which he hoped the House would perceive that the 4th question, relating to the steps which the Government of Ireland had taken in respect to this outrage, was satisfactorily answered:—

"Sir,—I have to apologise to you for my apparent neglect in delaying to reply to your favour of the 9th instant, but it was caused in some measure by your letter having been sent to a wrong post town, whence it was forwarded by a circuitous route from Dublin, just as I was leaving home on business of importance. In compliance with your request to be informed of the particulars of an attack made upon my church and threatened on myself, I have to mention, that on the morning of January 16, 1837, it was discovered that all the windows of the church of Clonmethan were demolished by a mob during the preceding night. Of course I lost not a moment afterwards in acquainting the Government here with the unhappy occurrence, and the result was, that my communication received most prompt attention. An investigation into the circumstances of the outrage was immediately set on foot, and was renewed from time to time; a reward for the discovery of the offenders was proclaimed and published in *The Gazette;* rewards for private information were also held out, though, I lament to add, without success. No doubt whatever exists that in this case the assault on the church was occasioned by the painful necessity I was then, as I am at present, under, of seeking to recover, by legal proceedings, a large amount of clerical income due by my Roman Catholic parishioners. One individual, indeed, in the course of the investigation, openly declared, that 'if Mr. Short had remained quiet about his tithes, neither himself nor his church would have been annoyed.' So strong, in truth, is the combination existing in this country against the payment of tithe, and so close the confederacy formed by the rural population, in many districts, to shelter those who are guilty of aggression against the Established Church, I am persuaded that, in nine cases out of ten, no amount of reward that could be named would be found sufficient to ensure the conviction of the offending parties. The influence of terror, so well understood in Ireland, most commonly operates to deter persons from giving information, and I am even disposed to think, that sometimes funds are not wanted to stimulate the ill-disposed to acts of violence, and afterwards protect them from the consequence. However this may be, very active exertions were used by Government, and by the local magistracy under their authority, to detect the offenders on the late occasion, and from that time to the present the Lord-Lieutenant has, with much consideration, ordered a protection post of police to be stationed on my premises. But, sir, much as I have reason to value the assistance thus afforded as a means of guarding my church from further outrage, and, perhaps, of increasing my personal security, the experience of every day, coupled with considerations of a different nature, force me to acknowledge that I would feel much greater confidence in a timely legislative enactment that should at once rescue the ministers of the Irish Church from those heart-sickening conflicts in the assertion of our temporal rights, which unquestionably weaken, and will soon destroy, every vestige of moral influence we may as yet retain among the people. I know, indeed, that I speak not only my own but the sentiments of many wiser and better men than myself (some having greater, some less, interest in the matter of tithes), when I declare it to be my deliberate opinion, that were it even as certain as I hold it to be the contrary that our clergy can succeed for a few years longer in recovering a portion of their income through the agency of law proceedings, still it must be effected by a sacrifice dearly purchased—no less than the peace and prosperity of the Church itself. By the prosperity of the Church I mean, of course, that spiritual influence which she would fain seek to maintain in the hearts and affections of all mankind—an influence that is not confined to the members of her own pale, but would endeavour to win its way even amongst those who most 'oppose themselves.' I trust I may be pardoned for this digression, but having the honour of writing to a distinguished Member of the Legislature, I could not resist the impulse I feel just to glance at a subject that strikes me to be of the deepest importance in the present juncture. I must not omit to mention, in reply to your query, 'whether I know of any other sssault on the persons or property (not tithe property) of the clergy since the summer of 1835?' that I know not of any."

Now, really, when he saw the laborious arts to which Gentlemen on the opposite side of the House resorted—the persevering spirit of inquisition—the anxious hunting out of grievances—the ingenious suggestions of complaints—wishing to know, for instance, on what general terms the person addressed was with regard to the Catholics of his parish, and whether he could attribute anything of what had occurred to the priest—when he considered all the means of inviting accusation which had been put in operation for the occasion, he must say he was less tempted to wonder than he otherwise should have been, that the hon. Gentleman had been able this evening to produce even such a budget of complaints as he had unfolded; and, in acceding to the hon. Member's motion, though on other occasions he may have directed some of his inquiries and hints in more credulous quarters than in the case last quoted to the House, he had no doubt, that when those returns were presented they would prove that the Government of Ireland had been uniformly and as successfully exerting itself for the repression of outrages, and the preservation of the public peace and of individual safety.

Mr. *Langdale* said, that when the hon. Member opposite accused the Catholic priests of taking part in political matters, he should reflect whether the clergymen of the Protestant persuasion were not equally amenable to that charge. The clergy were openly and avowedly partisans, particularly at elections; and he could not see why the Roman Catholic priests should be less at liberty in that respect than those of any other denomination. He could assert, of his own knowledge, that several Catholic tenants in his own borough had been turned out of their houses by Protestant clergymen for the votes they had given at the election. With respect to the charge brought against the Roman Catholics of taking away the Protestant Bible from the Protestants, he could only say, that in this country, and that very recently, something of an equally unjustifiable description had occurred. He would remind the hon. Member, that the chaplain of the Middlesex house of correction had lately stated to the magistrates, that he considered it to be his duty to take away the Roman Catholic Prayer-books from the prisoners of that persuasion, and substitute Protestant Bibles and Prayer-books in their room. It was not fair then, to represent such interferences as, peculiar to the Roman Catholic clergy of Ireland.

The *Chancellor of the Exchequer* said, that the hon. Gentleman opposite could not be more earnestly anxious for the diffusion of the principles of the Protestant Reformation in Ireland than he was. But there were individuals who threw obstacles in the way of those religious opinions to which they professed adhesion, and poisoned the sources of what was common to all religious persuasions—religious charity. This was the class of the community whom the hon. Gentleman strongly and naturally represented on the present occasion—those who exaggerated religious prejudices, and wished to add to political division the bigotry of religious dissension. Admiring, as he did, the country to which the hon. Member belonged, admiring it for its eminence in the arts of industry and peace, he must say, that they owed the greater part of the religious heartburnings and animosities which now distracted Ireland to the mischief-making Scotchmen who had come amongst them. Scotchmen, who, judging from their own narrow minds and illiberal feelings, had sought to impart to that country not what was generous and enlightened in their own, but that which was peculiar, and had done more mischief to the cause of religious truth in Ireland than all the exertions of the hon. Gentleman himself ever could remedy. There seemed a fair prospect of pacifying religious differences; the establishment of the Kildare-place Society was a great step to that end, but a mission of Scotchmen had visited Ireland, of whom Mr. Pringle and Captain Gordon were chosen as the apostles, who, in the height of their presumption, in the intensity of their self-confidence, conceived themselves qualified by calling meetings in market-places to settle the most profound and mysterious questions of theology, points on which the wisest men of Christendom had been at issue for ages. He did not hesitate to ascribe the ill-feeling which now existed to the prejudicial efforts of these religious mountebanks. God knew at that time they had enough of political contention; but the spirit of disagreement had not yet worked its way into the frightful arena of polemical discussion. Before the Scotch mission religious parties in Ireland were advancing calmly and quietly in perfect peace, and there would now have been little animosity but for the machinations of these men—men steeped in fanaticism, who cast aside all that was valuable in religion, and retained only the fiery intolerance of zealots. If these men had not come among the Irish, they would have stood in a very different position with respect to religious truth from that which they now occupied. Hon. Gentlemen opposite had cheered the letter of the hon. Member to the clergyman referred to by his noble Friend, as if the questions put in it had been plain and ingenuous questions. But he should like to know if these questions were sent over to a clergyman of the Church of England by some Scotch seeker of grievances—he would not suppose to a clergyman of the Church of England, but he would suppose that a Cameronian minister was asked to state the grievances which he might have suffered at the hands of any Erastian supporter of prelacy. Was it not easy in this way to get up any number of charges, and would not effects, the most injurious to the religious peace of the country, be produced by such a system? A more complete attempt to establish an inquisition as to a certain point was never made by an individual who possessed no greater authority or influence than the hon. Member for Kilmarnock. In Venice a power was given of casting criminal charges against individuals into the mouth of the lion; but that marble lion was unconscious of the means taken to bring forward those accusations. Now, the hon. Gentleman was certainly no lion; but he was at least as capable of receiving information as any open-mouthed image of a lion that ever was made the receptacle of secret charges. Like the marble lion at Venice, he was all mouth, all eyes, all ears, to admit information, but no more capable of making a true use of the information he received. Nor did the hon. Member receive any information but such as it was possible to turn to his purpose. In short, he believed the marble lion might have made an equally just and proper use of his information as the hon. Gentleman who had so satisfactorily applied his information in the overflowing of his Christian charity, and in the abundance of his good-will, to the purpose of restoring peace and tranquillity in Ireland. The charges made by the hon. Gentleman against his noble Friend (Lord Morpeth) and the Executive of Ireland reminded him in their character of Falstaff—there was the small morsel of bread or truth to the enormous quantity of sack or falsehood. The hon. Gentleman had throughout judged merely as a partisan, seen through a distorted medium, and applied the prism which he held to his eyes in order to distort at once and to discolour every object he looked upon. He would say, without meaning any disrespect, that the hon. Gentleman treated these subjects in such a partisan spirit, that he could attach no sort of importance to the declarations he made. The hon. Gentleman's account of his conversation with Mr. Price, as compared with Mr. Price's own evidence, upon oath, before the House of Lords, would furnish an excellent example of how far the hon. Gentleman's declarations were to be defended. The difficulty of getting at truth in Ireland—such was the prevalence and violence of party spirit—was notorious; the difficulty was enormous even to those who, like himself, lived in and were acquainted with Ireland; but how much more difficult must the task become to a casual visitor! Yet that casual visitor, if he were not consummately confident in the force of his own talents, ought, at least, to feel some misgivings as to his power of overcoming that difficulty, which those who lived in, and were acquainted with, the country felt so strongly—ought, at least, to use that information which he had such an opportunity of acquiring for the purpose of disseminating that good feeling among the people of Ireland which all her well-wishers desired to see established, instead of using that information as a farthing-candle, as a beggarly rush-light, to blow up the magazine of combustibles which unfortunately existed in that country. These discussions were painful to the House; and much more painful to Irish Members. But, however painful, were they able, except in the spirit of most furious partisanship, to say that either party, in this contest in Ireland, was perfectly right? No one on his side of the House would attempt to justify those outrages, on which so much had been said. But the question was, how it was possible to improve the existing state of things in Ireland? It was not for those who brought forward discussions of this kind—it was not for the hon. Gentleman, to step in to add to the exasperation of party feeling, which was so prevalent, without incurring a fearful responsibility. The advance of religion in that country was not to be effected by the instrumentality of political discussion, and they who had the good of that country at heart would proceed independently, he hoped, of the exertions of the hon. Gentleman in their successful endeavours to accomplish that most desirable object.

Mr. *Goulburn* felt it necessary to trouble the House with a very few words in reply to the speech of the right hon. Gentleman—the most singular speech, he must say, especially considering the speech of the noble Lord which preceded it, that ever it had been his fortune to hear since he had had the honour of a seat in that House. In the opening of his speech the right hon. Gentleman had inculcated the superior importance and obligation of charity, while he had dealt largely in every imputation that could be cast on his hon. Friend, whether as regarded his religious opinions or his political acts, and that in expressions not quite consistent, he thought, with that charity which the right hon. Gentleman professed, and which enforced the doctrine of doing no evil to one's neighbour. But, not content with casting those aspersions on the hon. Member for Kilmarnock, the right hon. Gentleman had extended them to the country of which the hon. Member was a native. [*No, no.*] He would appeal to the House whether the right hon. Gentleman did not represent the hon. Member as being peculiarly objectionable, because he was a Scotchman, in dealing with a different nation and a church to which he did not belong. He must express the greatest astonishment at the line taken by the right hon. Gentleman in his speech; he could not perceive the propriety of indulging, as the right hon. Gentleman had indulged, in diatribes of this kind against a whole people, or speaking of certain of them as itinerant mountebanks. The right hon. Gentleman had even gone the length of expressing a doubt of the accuracy of the facts stated by the hon. Member for Kilmarnock; but in doing so the right hon. Gentleman had certainly forgotten the speech of the noble Lord the Secretary for Ireland. Did the noble secretary deny the existence of those outrages which they must all lament? Quite the contrary. The noble Lord's answer was "I don't dispute the facts of these outrages on clergymen, but I make my defence"—a defence the most extraordinary he must confess that ever he had heard to proceed from a Member of any Administration—"by showing that outrages as violent in their nature have been perpetrated on other clergymen by the opposite party; both parties are violent; each oppresses the other." But the right hon. Gentleman had indulged himself in another observation, and that of the most extraordinary nature that ever he had heard of; for he had said, that these casual visitors of Ireland were in the habit of forming very loose estimates of the real state of things in Ireland; they could form no idea of what policy it might be right to employ towards that country, from any thing they could see in a six weeks' view. They ran away with the most absurd notions on the subject, said the right hon. Gentleman, and he warned the House against adopting their representations. Now this, perhaps, might have been a valid objection on the part of any other set of men than those who occupied the Ministerial benches, who founded, he believed, their claim to the gratitude of the country and to political credit—for on what was the great measure founded which had lately been carried through the House—on what was the Poor Relief Bill for Ireland based? Why, on the information which hon. gentlemen opposite had gathered from one who was but six weeks in the country. Had they relied in constructing that measure on the experience and information of persons well acquainted with Ireland, who had been engaged for years in collecting information on the subject? No; they relied on the representations of a casual visitor, who was described as having travelled through the country with more than the usual rate of velocity. But he supposed it would be said that Mr. Nicholls was not a Scotchman and not liable to that obliquity of vision which belongs to casual visitors. With respect to the letter which the hon. Member for Kilmarnock had felt it his duty to address to a clergyman in Ireland, they were told by the right hon. Gentleman that is was on his part an extremely improper way of arriving at a knowledge of the real state of facts to invite a clergyman who had been grossly insulted to give some details respecting the grievous injuries which he had sustained. The facts were not, however, if he remembered rightly, denied by the noble Secretary for Ireland. His hon. Friend, the Member for Kilmarnock, had asked for information respecting certain facts, which had been communicated to him, and because he did so, it was to be supposed, according to the right hon. Gentleman, that he was writing to an individual to induce him to trump up a story. He had heard that letter read, and he must say that he saw nothing objectionable in it. He had risen to vindicate his hon. Friend from the aspersions which had been cast upon him by an hon. Member, who from having made charity his particular boast, had laid himself particularly open to retort for his uncharitable insinuations. He lamented as much as any man the religious animosities which unfortunately prevailed in Ireland. The hon. Member might believe him or not, as he pleased, but he did lament exceedingly the violence which prevailed in Ireland in all discussions on religious subjects. He would not attribute the existence of those religious animosities, as his right hon. Friend opposite did, to individual gentlemen going from Scotland into Ireland on a missionary tour; nor yet would he attribute it to the exertions of the Kildare-street society. He believed, however, that owing to the means which that society took to disseminate religious instruction, a degree of interest had been excited in Ireland on religious subjects, which had made Protestants, Presbyterians, and Catholics, peculiarly anxious when they were discussed. That feeling no one could blame; and if it had led for the present to a degree of religious excitement which had not previously prevailed, he was convinced that by promoting general discussion upon religious topics it would ultimately work more good than evil; and that after the storm, which it had for a time created, had passed by, the country would benefit by having had its attention thus pointedly called to subjects of the most deep and solemn importance.

The *Chancellor of the Exchequer*, in explanation, disclaimed having made any attack either upon Scotland or upon the Scottish character. His allusion had been, not to Scotchmen generally, but to two Scotch gentlemen in particular, Mr. Pringle and Captain Gordon; and he would undertake to prove, that the apostolical mission of the latter gentleman had created, if not all, nearly all, the religious animosity now existing in Ireland. There was another point, also, on which he wished to set himself right with his right hon. Friend. His right hon. Friend had represented him to have denied the existence of the outrages to which the hon. Member for Kilmarnock had referred. Now, he had done no such thing. On the contrary, he had expressed a hope that there would not be found any man on either side of the House capable of denying or palliating these outrages.

Mr. *Wyse* rose for the purpose of justifying the mayor of Waterford for not interfering on the occasion, to which the hon. Member for Kilmarnock referred. His interference upon that occasion would, in all probability, have led to a far more serious disturbance of the peace than that which took place, in consequence of the invectives which the preacher in the cathedral cast upon the Roman Catholics whom he had specially invited to hear his discourse. The exaggerated character which had been given to that disturbance by the hon. Member, led him to infer, that there would be similar exaggeration in some of the other outrages which he had described. He reminded the hon. Member that if he really was anxious to spread among the people of Ireland religious truth, the first step which he ought to take was, to treat them with religious charity. If the hon. Member had had any regard to his character, as an impartial man, he would have included in his motion a return of the number of outrages which had been committed upon the national schools in the northern parts of Ireland, and of the number of insults heaped upon the masters of them in the presence of their pupils. Until the hon. Gentleman's motion included a return of that kind, he should consider him as a mere partizan, and not as a friend to the people of Ireland.

Mr. *Colquhoun* replied: He would not allude to the personal charges which had been brought against him. With regard to those brilliant metaphors which had been cast upon him by the right hon. Gentleman opposite, the marble lion, and the inquisition, and such figures of speech, he could afford to pass them by, as not requiring any notice from him; and as to the statements which had been made by the noble Lord and the right hon. Gentleman, drawn from some Tipperary newspaper, of the name of which he was ignorant, containing facts which he had never stated, and referring to attacks upon clergymen whose very names he had never heard, to which he had made no reference, and which were no more connected with the present debate, nor with his statements, than with any other debate—on these he should not condescend to waste one word of comment. But there was one fact to which he had adverted, on which, indeed, he had dwelt with some detail—the case of Achill, on which the noble Lord opposite had produced the report of his own constabulary, and that report was so satisfactory, corroborated the statements he had made, and illustrated so clearly the policy of Government, that the House would permit him to make a single remark upon it. It appeared, that the constable that lately reported the state of Achill to the Irish Government had said, that the Protestant missionaries had employed violent language in speaking of the Roman Catholic doctrines. He by no means justified such language, if it had been employed; but what he had contended was, that whatever was the language which a controversialist was pleased to employ, whether violent or otherwise, however much to be deprecated in point of taste, was not to be visited upon the party by personal assault, nor was his life to be endangered, because he had applied strong language to any set of doctrines; and yet the same report which the noble Lord had read, and which condemned the language of one party, denounced not the language, but the acts of the other. It declared, just as he had stated, that the priest of Achill had instigated the people to personal outrage and murderous assaults upon these missionaries, and that, notwithstanding all the exertions of the police, it was found almost impossible to restrain a part of the people from obeying these atrocious mandates of priestly incendiaries. Here was, from the lips of the noble Lord, from the police report which he himself had produced, the full confirmation of the statement in regard to this case he (Mr. Colquhoun) had made; and he ventured to predict, that the returns for which he had moved, if made out fully, would supply to all his other statements an equally distinct corroboration.

Lord *Morpeth* said, that a considerable force had already been maintained in Ireland.

Motion agreed to.

HOUSE OF LORDS,

Thursday, May 3, 1838.

MINUTES.] Bill. Read a first time:—Consolidated Fund.

Petitions presented. By the Duke of CLEVELAND, from Gateshead, and by the Marquess of SLIGO, from Alston, Amersham, Bucks, Shepton, Belfast, and from the Females of Whitehaven, for the Abolition of Negro Apprenticeship.—By the Marquess of SLIGO, from the High Sheriff and Grand Jury of the county of Mayo, against the Irish Poor Relief Bill.—By the Duke of RICHMOND, from the Dean and Clergy of Waterford, and the Roman Catholic Bishop, and other Inhabitants, that the claims of the able-bodied and the impotent pauper might not be confounded in the Poor Relief (Ireland) Bill.

CONTAGION.] The Bishop of *Exeter* said, he rose to present a petition, which, though it came from a single individual, related to a matter of much interest to the pauper inhabitants of the metropolis. As the statements contained in the petition were of a very grave and serious kind, he begged leave to observe, that he knew nothing about the petitioner, and that he could not give his personal attestation as to the correctness of the facts adverted to by him, but which, the petitioner said, he was prepared to prove. He had, however, made inquiry as to one important allegation set forth by the petitioner—namely, that he was the author of an invention to promote the rapid decomposition of animal bodies, which had been approved of by Sir Benjamin Brodie; and this he had ascertained to be the fact. The petitioner stated, that by the 13th section of the Act of the 2nd and 3rd William 4th, which related to schools of anatomy, it was directed, that the bodies of paupers, after undergoing anatomical examination, should be interred; but that instead of paupers' remains being so interred, the common practice was to put a large mass of the remains of different persons together in vessels and to bury them promiscuously. The petitioner then stated, that he had discovered a mode of promoting the rapid decomposition of animal bodies, which, in the opinion of Sir Benjamin Brodie, was calculated to be of considerable public benefit, by diminishing the chances of contagion. The right rev. Prelate said he should move, after the petition was laid on the table, that it be referred to the select Committee appointed to inquire into certain cases that had occurred under the Poor-law Amendment Act.

The Earl of *Radnor* said, the right rev. Prelate ought to have made some inquiry into these statements before he proposed to refer the petition to a Committee of that House. He much regretted, that the right rev. Prelate had not acquired some information as to the truth of those allegations before he had taken so much pains to make them public. But, whether they were true or not, he could not conceive what possible connexion the subject of the petition had, or could have, with the new Poor-law. If there had been a Committee sitting on the Anatomy Bill, he could understand why such a petition should be referred to it; but he could not imagine why it should be referred to the Committee alluded to by the right rev. Prelate. It would, however, appear as if some persons wished to throw on the Poor-law Bill the odium of certain affairs which were said to have occurred under the Anatomy Act, but with which (supposing they turned out to be true) the new Poor-law had nothing whatsoever to do.

The Bishop of *Exeter* had already stated, that he did not hold himself responsible for the allegations contained in the petition, but he had also stated, that the petitioner pledged himself to prove their truth. That being the case, he ought to be allowed an opportunity to make good those allegations. In his opinion their Lordships would not do their duty if they did not receive a petition respectfully worded, and allow the petitioner to substantiate his statements. He admitted, with the noble Earl, that the matter complained of did not affect the new Poor-law, but he contended that it did affect establishments formed under that act; for the bodies referred to by the petitioner were the bodies of persons who died in the union workhouses of this metropolis, and were disposed of, as he alleged, in a very improper manner. He (the Bishop of Exeter) did not say, that a single point of the petitioner's statements was correct, but he hoped that the petitioner's allegations would be inquired into, and if he had made false representations on this subject, he ought to be covered with that shame and disgrace which he deserved.

The Duke of *Richmond* said, he had looked over the petition, and he could not see one syllable about union workhouses in it. [The Bishop of *Exeter :* I can set the noble Duke right.] "One at a time, if the right rev. Prelate pleases; it is more regular in this House." The petition spoke of parishes, without stating whether they were under the union workhouse system or not. The Committee to which the right rev. Prelate wished this petition to be referred had a great deal to do, and it would be much better if the right rev. Prelate would move that the petition should be referred to a separate Committee, to report specially on this subject. The consequence would be, that the report of such a Committee would be made in a very short time; and, if any alteration in the existing law were proper to be carried into effect, it could be done in the present Session. He agreed with the right rev. Prelate in the opinion, that if what the petitioner alleged was the fact, it was quite proper that the subject should be inquired into.

Viscount *Melbourne* apprehended that it was very unusual to present a petition calling for inquiry without special grounds being laid down in support of the proposition. In this case no grounds were laid down for any such inquiry as that proposed. It would have been proper, in the first instance, for the right rev. Prelate himself to have ascertained the truth of the statements made by the petitioner before he called for a Parliamentary inquiry.

The Bishop of *Exeter* said, when a Committee was sitting to investigate certain matters connected with the interest of the poor, he conceived that it might also inquire whether the statements contained in this petition, and which also affected the poor, were well founded or not. Had he thought it necessary to call on the House to appoint a Committee, he certainly in that case should have felt it to be his duty in the first instance to make inquiry into these allegations. These allegations, which were certainly of a very grave character, seemed to him so far worthy of attention, as they came from an individual who was the inventor of a very important process, which might prove of great benefit to mankind.

The Earl of *Radnor* reiterated his statement that the matters referred to in the petition had nothing whatever to do with the Poor-law Amendment Act. In fact, there was nothing in the petition which related in any way to that Act. Mr. Roberts, the petitioner, might be a very respectable man for aught he knew, but he confessed that this petition appeared to him to be a puff for Mr. Roberts's invention.

Lord *Wharncliffe* said, the petition had nothing to do with the Poor-law Bill, but had reference rather to the Anatomy Regulation Act.

Petition laid on the table.

CHURCH COMMISSION.] The Bishop of *Exeter* begged leave to ask a question of the noble Viscount, as to the course which Ministers meant to pursue with respect to the recommendations of the Church Commissioners. Did they mean to go on with the bills for carrying those recommendations into effect in the present Session? It was of great importance that he and his reverend brethren should be apprised of the intention of her Majesty's Government respecting those measures, because it would be impossible for them otherwise to make arrangements for the convenience, at once, of themselves and of their respective dioceses. Another reason why he deemed this information necessary was, because he saw by the votes of the House of Commons that a Committee on this particular subject would be moved for on that very evening. If that Committee were granted, it would have to deal with matters, and would immediately interfere with business, which appertained to the Commissioners, as appeared by the preamble of the Act under which they were appointed. Supposing that Committee to proceed, its labours would contravene the provisions of the Statute, which the noble Viscount, a short time ago, declared he would resist any intention of interfering with. He alluded to the 6th and 7th William 4th, cap. 37.

Viscount *Melbourne* said, it was the intention of her Majesty's Government to proceed with the Benefices Pluralities Bill, and the bill for the regulation of church leases under deans and chapters, as early as circumstances and the state of the other business would permit

MALTA COMMISSION.] The Earl of *Ripon* rose, pursuant to notice, to move for a return of the expense incurred by the Commission sent out to Malta in 1837. Those expenses, he must say, were incurred at a time when the necessity for economy ought to have created a deep anxiety to get rid of every unnecessary expenditure. He should briefly advert to the steps taken by the Commission, and he should endeavour to prove, that it was altogether useless and unnecessary. He did not mean to say, that there were no matters respecting that island which demanded the attention of the Government, but he denied, that there were any of such a magnitude as to justify the Government in running away from its own responsibility, and putting it on the shoulders of others, to inquire and recommend what remedies should be applied. The Secretary of State had no difficulty in getting any information he might want; all he had to do was, to send out a dispatch to the Governor, and he would, at once, have got more information than any that could be obtained by gentlemen sent out without any previous knowledge of the island. He could say, on his own knowledge, that in the archives of the Colonial-office abundant information was to be found on this subject. The reports of this Commission, though they had cost the country about 5,000*l.*, were not worth 5*l.* The Commissioners had reversed the old maxim, "*Ex nihilo nihil fit,*" for they positively made a great deal out of nothing. Let the House just consider what had been done. A commission had been issued by the noble Lord. Two gentlemen had been sent out as Commissioners, one of them, of course, a barrister of six years' standing. Now, it appeared to him, that there was not, at present, so flourishing a set of men as your barristers of six years' standing. Their Lordships heard, occasionally, of the distress of the shipping interest, of the mercantile interest, of the agricultural interest, and also of the poor under the new system by which their affairs were administered: but the ingenuity of man could not devise a pretext for asserting that your barristers of six years' standing were not in most flourishing circumstances. Those learned gentlemen had not only the usual chances of success in their profession, if they had any talent, but they had also the flattering prospect of a good commissionership before them, if they had no talent. Though they might not be able to reach the great seal, a commission under the great seal came easily within their grasp. Besides, a barrister of six years' standing, whose talents he did not mean to depreciate, a relation of his own, whose talents were thrown away upon the commission, was appointed upon it. The first report which they had presented was a very long one;

their Lordships need not be afraid of his reading it to them. It contained not less than fifteen pages. It was upon that very new subject the liberty of the press. Now, was it necessary to send out a Commission 1,200 miles to obtain a report on the liberty of the press? The veriest tyro in the Temple could have drawn up a report on that subject, and the noble Lord could have got as much information upon it as he wanted from any of the clerks in Downing-street. After stating the friendly and hospitable reception which they had received from all parties in the island, and after stating how comfortably they were lodged under the auspices of the Governor, the Commissioners commenced their report to the noble Lord with a long string of grandiloquent common-places on the law and on the administration of the law with respect to printing and publishing in the island of Malta. Now, surely, a report on that subject could have been obtained from the Attorney-General of the island, without having recourse to the expensive process of a Commission. The Commissioners then went into a long discussion on the origin and legality of the censorship. He could have understood their reasons for entering into a discussion as to whether the censorship was instituted under this grand master, or under that, had their report been addressed to his noble Friend behind him when he was Secretary for the Colonies; for his noble Friend (the Earl of Aberdeen) happened to be also president of the Society of Antiquaries. But why they should have entered into such a discussion, when the origin of the censorship was of little importance, provided it was legal, he could not for his life understand. They came, however, to the conclusion that the censorship ought to be removed, and then they hit on a very ingenious mode of protracting their composition; for they put forward a series of objections to the very removal which they themselves recommended. They met these objections very successfully, and then came back to their former conclusion, enumerating very scientifically a few of the advantages which would arise from an independent newspaper, "if it were conducted with skill and integrity." Now, was it necessary to send a commission to Malta to enumerate these advantages? One of these advantages was so grandiloquently expressed in point of style, that he must be permitted to read it to their Lordships. It was as follows:—

> "The structure and policy of the English Government, the opinions and sentiments of the English people, and the nature of the relations between England and Malta, are now understood imperfectly by the great majority of the Maltese. By furnishing its readers with political news from England, and especially with reports of debates in the Houses of Parliament, an independent newspaper would gradually diffuse in Malta correct conceptions of these important subjects."

The next step of the Commissioners, after assuming that the monopoly of printing and the censorship would be removed, was to submit to the Government a mode of introducing the liberty of printing and publishing in one, two, three, four, five, six recommendations. The third recommendation was of so peculiar a kind that he must bring it under the consideration of their Lordships. They found out, that there was so little disposition to read in the island of Malta, that, unless it was helped by the Government, "an independent newspaper conducted with skill and integrity" could not possibly go on. They said, that it was desirable that a newspaper of such a character should be maintained in the island, and then they entered into a calculation of the chances whether it could be so maintained. They said,—

> "The Government *Gazette* is published once a-week, at 3d.; and in November, 1836, its weekly sale amounted to 356 copies. According to Mr. Harper's estimate, 101 of these were sold to Englishmen, and 255 to Maltese and foreigners; 219 were sold for the use of the island, and 137 for that of foreign countries. Besides the 356 copies which were sold, 115 were given to various persons, most of whom are connected with the Government. During the last ten years the number of copies sold has been nearly stationary."

Now, he must again ask their Lordships whether it was necessary that two gentlemen should be sent at great expense from this country to Malta for the mere purpose of making a discovery of this kind? They concluded, however, their third recommendation in the following curious manner:—

> It may, perhaps, be objected to the adoption of our third recommendation, that it might be considered an attempt on the part of the Government to influence the newspaper unduly; and to obviate this objection, we would advise that the reasons of the Govern-

ment for giving its support to the newspaper should be stated frankly to the public."

Now, wicked wags did say, that even in this country attempts were made by the Government to influence certain newspapers, he would not say unduly; and, he did not know what sum he would not give to see his noble Friend's "frank statement" of his reasons for giving his support to those newspapers. So much for this report on the liberty of the press, and so much for the justification of his assertion, that it was not necessary to send out a commission 1,200 miles to make it. Moreover, it had taken these two able commissioners no less than five months to concoct this report. It appeared from their report that they had set sail from Marseilles on the 10th of October, had arrived at Valetta on the 20th, but had not been freed from quarantine till the 26th. Their first report, however, was not dated before the 10th of March, 1837. Well, one would have supposed, that within one month after that report had been received a despatch would have been sent out from this country withdrawing the censorship, and that all Malta would be now enjoying the advantages of "an independent newspaper, conducted with skill and integrity." But, no; it took five months to concoct the report, and, of course, it took an equal time to concoct the reply to it. Well, then, was a despatch sent out to Malta at the end of five months? No. At the end of six? No. At the end of seven? No. Eight months elapsed before the Government at home determined what it would do on this subject; and then, on the 27th of November, 1837, Lord Glenelg wrote a very characteristic despatch to Major General Sir H. Bouverie. He would read the first two paragraphs of it:—

"You are already aware that the report of his Majesty's commissioners at Malta, respecting the freedom of the press in that island has for a considerable time occupied the serious attention of his Majesty's Government. It is unnecessary for me to enter into a particular statement of the causes which have hitherto prevented me from announcing their final decision on this question. It is sufficient to observe, that the delay has been unavoidable, and that it has in no degree arisen from indifference to the importance of the subject, or to the force of the arguments with which the commissioners have advocated an extensive alteration of the law of Malta respecting the publication of printed writings."

One would have thought, that the length of time which had elapsed since the date of that despatch would have been sufficient to enable his noble Friend to bring this matter to a practical conclusion. But no; the law has not yet been altered, the censorship has not yet been removed, and the Maltese yet remain in that miserable state of darkness, from which it was the intention of the commissioners to rescue them by the establishment of "an independent newspaper, conducted with skill and integrity." The commission, their Lordships ought to be aware, entitled the commissioners to inquire into all matters connected with the Government and trade of the island. They had inquired in consequence into the state of the corn trade, and into the duties levied upon all corn imported into Malta. Now, where was the use of our having a Board of Trade, with its president and vice-presidents; a Board of Treasury, with its Chancellor of the Exchequer and other officers; and, above all, a Board of Customs, with its able Commissioners, if we were also obliged to send out a barrister of six years standing, and another gentleman to do what any and all of these Boards ought to be able to do of themselves? It appeared, too, that nothing was too small for the notice of those commissioners. Formerly the Government always kept a stock of wheat to supply the inhabitants. It had now been deemed necessary to discontinue the keeping up of that stock. It therefore became necessary to sell it, and this was the recommendation of the Commissioners:—

"With regard to the Government stock of wheat, now in the charge of the grain department, we think that it may be most conveniently disposed of in three or four sales, by public auction or by tender, such sales to take place at intervals not greater than three or four weeks. We further think, that public notice ought to be given of the manner in which the Government decides to sell its remaining stock, and that the first sale should take place shortly, as a considerable quantity of the wheat is in a state in which it will be deteriorated by further keeping."

It was unintelligible to him how the Commissioners could have been called upon to report on so small a subject as this; but it was still more unintelligible to him how they could have been sent out so far, at such an expense, for such a trifling inquiry. Again, in consequence of a despatch which he had himself sent out when Secretary for the Colonies, a graduated scale of duties was imposed on the importation of corn into Malta. The Commissioners recommended, that the graduated scale should be abolished, and that a fixed duty should be imposed upon it instead. His noble Friend was of opinion, that the proposition of these political economists should be adopted; and yet, if he were rightly informed, the noble Lord's colleagues in another place were opposing the adoption of a fixed duty on corn here at the very time he was writing that despatch. Leaving his noble Friend to reconcile that difference with his colleagues as he best might, he would again repeat what he had so often asserted before, that it was impossible to show, that there were any valid grounds for saddling the country with the expense of this commission. But that expense had been incurred, and incurred, too, at a time when the state of the revenue being unfavourable, required the greatest vigilance. The balance-sheet at the close of last year was exceedingly unfavourable, and exhibited on the 5th of January, 1838, a deficiency of not less than between 700,000*l.* and 800,000*l.*, and the quarter ending the 5th of April presented a state of things still worse; and now, instead of having a sixpence of surplus applicable to the payment of the funded or unfunded debt, there would be, he would not say an alarming, but still a very considerable, a very serious deficiency of revenue, as compared with expenditure, the effect of which must be to increase that portion of the unfunded debt known by the name of the deficiency bills. But that was not all; not only had the revenue suffered greatly during the past year, it appeared from a paper which had been laid on the table of that House, that every one of our great staple manufactures exported to foreign countries had considerably fallen off last season as compared with former years. And what was the state of our expenditure? Here there would necessarily be a considerable increase. The building of the two Houses of Parliament would for a number of years to come form an annual charge of between 200,000*l.* and 300,000*l.*; he did not expect to see them completed under 2,000,000*l.* The country was also engaged in a number of operations which would cost a great deal of money. There was the piebald operation on the coast of Spain, where nobody knew whether we were at war or not; at all events the military stores which this country had supplied would amount to a very considerable sum. They had also sent an army to Canada of 10,000 or 12,000 men—one of the finest armies that ever existed; and the expense of their transport and keeping them constantly in a state of perfect equipment ready to proceed to Upper or Lower Canada, to Nova Scotia, or New Brunswick, as circumstances might require, would be very great indeed. All these facts warranted the exercise of what, under other circumstances, might be considered an over captious jealousy of the expenses incurred by such commissions as the present. He really thought it would be wise in Government not to be quite so hasty in the appointment of these commissions, with such extensive powers, for it was no trifling matter to invest men with the power of examining persons on oath, imposing a fine of 20*l.*, and committing to gaol such as did not appear, or would not give evidence for fourteen days. He did not grudge these Commissioners the sums they were to receive, although he could not help thinking they had been sent to Malta for the purpose of doing nothing; but if any further information should be necessary, he ventured to suggest to his noble Friend, that, as the summer was coming on, and as it was to be supposed after the coronation he would be tolerably at liberty, he might take an excursion to Malta himself; it was a very curious and interesting place, and there could be no doubt his noble Friend would not only experience great hospitality, but derive much amusement and all the information in two or three weeks which he could require satisfactorily to settle the whole of these questions.

Lord *Glenelg* felt very much obliged to his noble Friend, for the good-humoured advice he had given him as to the proper care of his health, and assured him, that he should, if possible, carry his advice into effect if his noble Friend honoured him with his company, or he should be very happy to appoint his noble Friend a third Commissioner; and he thought, from what he knew of his noble Friend, and from the compositions of his which had emanated from him in the Colonial-office, that a report from him might perhaps rival the report upon which his noble Friend had so much commented, and which was then before the House. The subject, however, was not one well calculated for the display of humour, and in order to be humorous his noble Friend had deviated, he thought, from his usual candour. Knowing the discursive genius of his noble .Friend, he was not surprised to find him in his speech wandering away from the dryness of the subject itself. According to the arrangement of the expenses of the Commissioners, their personal expenses were to be 3*l.* a-day, and their secretary 30*s.* Up to February last, the Commissioners might, according to that arrangement, have expended 3,000*l.*; but their expenses did not amount to more than 1,690*l.* As far then as regarded the necessity of economy, which had been suggested, it would be found that it had been already anticipated by the Commissioners. The paper which was on the table, purported to be the first report of the Commissioners. The second part was not yet before them, and when his noble Friend had undertaken to judge of the result, he could not but think that it would have been both more fair and more candid on the part of his noble Friend to have waited until the whole of the papers were before their Lordships, when the subject could be properly discussed. The expenses of the Commission were not the question, no matter how small or how large they might be; but the whole question was this—was the Commission likely to be useful? Was it required? It could not be a matter of any consequence, so far as the propriety or impropriety of the Commission was concerned, by whom the expenses were to be defrayed; but it was to be remarked, that as the Commission was intended to be for the benefit of the people of Malta, the expenses were to be defrayed out of the revenues of Malta; therefore, the last portion of the speech of his noble Friend, however applicable it might be to the general interests of the country, was not at all applicable to this question. But he could not help remarking, when objections were made as to necessary expenses, they did not come very well from that side of the House, which wished to entail upon the country unnecessary expenses in the coronation. His noble Friend had asserted, that there was no necessity for the Commission. He wished to state to the House the circumstances which led to the formation of the Commission. In 1835, a petition had been presented to the House of Commons, and representations had been made by Maltese subjects to the Colonial Department, in which great complaints were made of the injustice with which Malta had been treated by England. It had been contended, that England was not sufficiently mindful of the interests of Malta, and that there were institutions in Malta which were not adapted to that country. He referred their complaints to the local government of Malta, and required a report upon them; he also invited those who made the complaints to go before those who were to inquire into them, or to have representations made to them, and when this was done he desired the report to be communicated to the Government of this country. The witnesses did not then come forward, because there was an opinion prevalent that subjects ought not to complain against the Government. On reading the report afterwards sent to him by the local government, it did not appear to him to be satisfactory. But then his noble Friend had said, that there was one person whom he could have called, and who could have given him all the information possible, if his opinion were asked for; and his noble Friend referred to Sir F. Ponsonby. He admitted the authority of Sir F. Ponsonby; but then his noble Friend was under a mistake in supposing, that that authority was not referred to. He had requested Sir F. Ponsonby to read that report, and Sir F. Ponsonby agreed with him in thinking that it was a report not at all tending to the satisfaction of the people of Malta. The Governor, who was acting for Sir F. Ponsonby, accompanied that report with a letter, stating that the agitation in the colony could not be allayed unless a Committee of the House of Commons reported upon the matters of complaint. The question then to be considered was, whether the matter should be referred to a Committee of the House of Commons, or the investigation should be conducted in any other manner. Sir F. Ponsonby agreed with him, that it would be better to have the Commissioners on the spot, and he, therefore, was desirous of having a commission. They were of opinion, that a commission carried on upon the spot before the people of Malta would be that which would be the most likely to satisfy them. One preliminary question which the Commissioners had to solve was this, to what extent more liberal institutions could be given to Malta, having regard to the paramount consideration of its importance as a military and naval station. The noble Lord had alluded to the recommendation of the Commissioners that a free press should be established; the noble Lord was aware that there was, perhaps, no subject on which so much difference of opinion existed as on that. Even amongst those who had the best means of knowing what would be the effect of a free press, there were some who entertained widely different sentiments respecting it. The noble Earl had complained of the delay that had occurred in the proceedings of the commission. He begged to assure the House, that he could account for that delay if it were thought desirable; but he should, for the present, content himself with declaring that there was no delay which was not necessary. With reference to the general remarks of the noble Earl on the subject of commissions, he must observe, that he thought the noble Earl would not deny that many important matters had been brought to a prosperous issue by commissions having been appointed. The principle of appointing commissions with a view to the carrying of great measures had not been acted upon exclusively by the present Government. There was a commission named in the year 1830, and the course pursued, on that occasion, proved that the noble Duke did not consider that by the appointment of the commission the Government of this country threw off its responsibility. This, also, was proved, that a commission, in this country, would not answer the purpose for which that commission was issued. The objects then contemplated were an inquiry into the financial arrangements of the Colonies, and the efficiency of the public service. He thought it would not be denied, that the report of the commission of 1830 was not satisfactory, which was attributable, not to any deficiency in zeal or intelligence on the part of the gentlemen who were the Commissioners, but to their inability to obtain in this country the information that was necessary. It was intended that the commission of which he was now speaking should go to the root of the evils at that time existing, and forming the ground of the complaints that were made; but it left every one of the great questions untouched. He admitted, that Sir F. Ponsonby reduced by many thousands of pounds the amount of the annual expenditure of Malta, which he effected by a reduction of the salaries, but very much more remained to be done to place the affairs of that country in a satisfactory position. It was easy, after abuses had been discovered and corrected, to say all this might have been done upon the information already possessed, and that, therefore, the expense of sending out a commission was unnecessary; but if the improvements were such that they might have been made without a reference to Malta, why were they not made when his noble Friend was at the head of the department over which he had now the honour to preside? If the result of sending out the commission had been a discovery that the complaints which had been made, were wholly destitute of foundation, and that the dissatisfaction had no reasonable ground, even then a great object would have been attained, but most unfortunately it was discovered, that abuses did exist, and that the complaints in many important particulars were well founded. The commission of the present Government ascertained that this small territory was overloaded with expensive establishments; that they were not adapted to the wants of the country; that the judicial establishment was maintained at a vast expense, that it did not answer its purpose efficiently, and that it failed to command the respect and confidence of the Maltese. The Commissioners found, that with respect to the charities, abuses existed of a nature much resembling those which prevailed in the administration of the charities in this country, prior to the amendment of the law. They found, that eleemosynary relief had been afforded to a great extent, that it had continued for years, that it was increasing to an extent which threatened to devour the resources of the country, and that its tendency was to add increase to pauperism. He did not charge, the Commissioners did not charge, intentional abuse; they merely stated the fact, that abuse existed. They found, further, that the legislative system was not such as to obtain the confidence of the country; some amelioration was absolutely necessary to adapt it to the feelings and wishes of the people. With respect to many of these subjects, the Commissioners had completed their inquiries, and reported; as regarded others, their report was in the course of preparation. The Commission itself was drawing to a close, but he must say, that till the whole of the reports were before their Lordships, they could not form a correct opinion as to its efficiency. It naturally created great discontent among the Maltese, when they saw, that high salaries were paid in many instances without any performance of duty, and that they were appropriated exclusively by Englishmen. Besides, the improvement which was required in the management of the revenue and expenditure of the country, the Commissioners found, that there existed offices with large salaries, without the performance of any duty being attached to them, and these sinecure appointments were appropriated exclusively by the English. This naturally created great discontent among the Maltese. The Commissioners found also a marked distinction between the English and the Maltese; they were divided into two distinct classes : there was not only a general exclusion of the Maltese from the higher offices, but they were generally degraded, if he might so say. The result of this treatment had been, that the Maltese felt themselves deeply humiliated, and their sense of the injustice to which they were exposed produced among them general discontent, and great jealousy of the ascendancy of the English. If the only good resulting from the commission, were its putting an end to this unnatural and unjust distinction between the two races, that in itself would be a benefit of so much importance, as fully to compensate for its appointment. Should it be contended that the Maltese were not to be allowed the opportunity of rising, because their ignorance unfitted them for a higher station, the fair reply was, that it was both unjust and cruel to make the ignorance which was the consequence of their having been kept down hitherto, an excuse for keeping them down still longer. He would maintain, that there was no station to which they were competent, from which they ought to be altogether excluded, and to allege against them, that they were incompetent, was to stamp with the deepest disgrace our past government of them. Who could doubt, that they were as adequate to the performance of the duties of offices of state as any other persons? He admitted, that, for the sake of higher interests, the secretary or the assistant-secretary ought, perhaps, to be English; but, conceding this, what reasons were there why either the comptroller of the treasury, the collector of the land revenues, the master or the captain of the port—why should those offices of high station, which had hitherto been much overpaid and confined to the English—why should they be so absolutely denied to the Maltese? The Commissioners had reported, that in their judgment they ought not to be, and the Government had adopted that opinion. It having been resolved to exclude the Maltese from the higher offices, it was considered necessary in some measure to compensate them, and the policy had been adopted, therefore, of creating a number of petty offices, which were required for no other purpose but to secure the Maltese in their allegiance. It had been resolved to amend this state of things, and it was proposed to place the Maltese in such of the offices as they might be found qualified to fill, on salaries equal to about half the amount of the sums that had been lavished on the English. He looked confidently to their Lordships to support her Majesty's Government in their endeavours to do justice to the native inhabitants of the island of Malta.

The *Duke of Wellington* said, I should be most unwilling at this late hour to trouble the House with any observations which I could offer on the subject, if the noble Lord opposite (Lord Glenelg) had not adverted to the Commission named to inquire into the Colonies when I was in office. With respect to that Commission, I have to say, that there is a marked difference between it and all other commissions on the same subject appointed since that period. The Commission referred to was one presided over by a Cabinet Minister, the late Lord Rosslyn, and it had for its object to ascertain the state of the revenue and the amount of the expenditure of the different colonies and dependencies of the country. I have to say, my Lords, there is this difference between that Commission and all others appointed since that period —that Commission never cost the country a single penny. It worked zealously and indefatigably—it conducted its inquiries with judgment and sound discretion—and it made a most valuable report on the matters referred to its consideration. On that report we acted, my Lords, and on that report, my Lords, I believe you will find all the colonial reforms which have since then been effected were founded. I claim, therefore, from this House that they should bear in mind that the Commission referred to by the noble Lord is distinct and altogether different in its nature, objects, and effects, from the Commission referred to by my noble Friend behind me. It performed a most essential duty well and faithfully; it did important services to the state; and it cost the country nothing. It gave the Government and the public the means of knowing the extent of the revenues, and the amount of the expenditure of the various colonies and dependencies in possession of this country; and it gave also a distinct knowledge of the reforms which were necessary, and pointed out the means by which they have since been made effective. I shall not now, my Lords, advert to the constitution of the Commission alluded to by the noble Baron; but this I feel called on to say, I was very much struck with their report. This Commission was appointed here, and sent over from this country to Malta for one purpose and one purpose only, and that purpose, and that purpose only, I maintain they have effected. That purpose was to make a written report on the subject of a free press in the island, a report which enabled the noble Baron to write his despatch on the same subject eight months afterwards. That Commission was appointed in September, its ostensible object being to inquire into various matters connected with Malta; but for nearly the first twelve months it did nothing besides making a proposition to the Government of the country for the establishment of a free press in that island. I must here confess, my Lords, that to call the attention of the Government to such trifles would seem to be scarcely worth the trouble of doing so, were it not for the covert objects which they conceal. His Majesty, in his royal order appointing this Commission, called its attention to a variety of subjects, all of which were connected with the civil Government of Malta; but that which he does not mention in it—that of which not a single word is said by him—I will not say certainly, that it was excluded in terms—was a free press. There was not one syllable about it from the beginning to the end of that document. But, with this fact staring them in the face, what do these gentlemen do? They are nominated, and set sail from this country in September—they land in Malta in October—and the first, the very first, thing they do on their landing, is to commence at once an inquiry into the state of the press in that dependency, although there was not one word about it in the recital of matters which their attention was called to by his Majesty's Commission, as if a free press was a thing of the last importance to that island. At the end of six months—all of which were spent in this inquiry—they make their report—that document which has so deservedly drawn on itself the comments of my noble Friend. Now, in regard to this matter of a free press in Malta, I crave your Lordships' attention to the facts of the case for a moment, and I beg the House to bear them in mind. What is Malta? It is a fortress and a seaport—it is a great naval and military arsenal for our shipping and forces in the Mediterranean. We hold it by conquest, and by treaty after conquest. We hold it as an important post, as a great military and naval arsenal, and as nothing more. My Lords, if these are the facts, we might as well think of planting a free press on the fore deck of the admiral's flag ship in the Mediterranean, or in the casernes of the batteries of Gibraltar, or in the camp of Sir John Colborne in Canada, as of establishing it in Malta. A free press in Malta in the Italian language is an absurdity. Of the hundred thousand individuals who compose the population of Malta, three-fourths at least speak nothing but the Maltese dialect, and do not understand the Italian language. Of the one hundred thousand inhabitants of the island, at least three-fourths can neither read nor write. What advantages, then, can accrue to the people of Malta from the establishment of a free press? We do not want to teach our English sailors and soldiers to understand Italian. A free press will find no readers among them either. Who, then, is it for? These gentlemen say, that, unless the Government support a free press in Malta, it cannot exist of itself, and they suggest an expense of 800*l.* a-year in its favour. They have done nothing more than this that I am aware of since their appointment, and it is plain, that the savings spoken of by the noble Baron as having been effected by their recommendation, are completely swallowed up by the project of a free press. My Lords, I cannot help thinking that it is wholly unnecessary and greatly unbecoming of the Government to form such an establishment, of such a description, in such a place as Malta; and the more particularly, as the object for which it is made, must be both of a dangerous tendency to this country, and fraught with evil to others. The free press which they propose is to be conducted, not by foreign Italians, but by Maltese, subjects of her Majesty, enjoying the same privileges as we do. Now, what does this mean? It means that the licence to do wrong is unlimited. If it were conducted by foreign Italians you could have a check upon them if they acted in such a manner as would tend to compromise us with our neighbours—you could send them out of the island—you could prevent their doing injury in that manner by various ways. But here you have no such check—you have no check at all—your free press, in that respect, is uncontrollable. If the free press chooses to preach up insurrection in Italy from its den in Malta you have no power of preventing it. Were the conductors foreign Italians you could lay your hand on them at once, and dispose of them as aliens; but you cannot do that with the Maltese subjects, enjoying the same right and possessing the same freedom as ourselves. I did hope, that we should have been cured by this time of our experiments on exciting insurrection in the other countries of Europe—in the dominions of neighbouring Princes—in the territories of our allies. I did think that we had received a sufficient lesson in these matters to last us a long time, even for ever, in the results which have taken place through such interference in Portugal, Spain, Italy—ay, and in Canada too—and that they had put an end to our dangerous mania for exciting insurrection in foreign countries. Such, my Lords, I assert is the object of a free press in Malta—to excite insurrection in the dominions of our neighbour and ally, the King of the Two Sicilies, and in the dominions of the King of Sardinia—and I confess that I am ashamed of the Government, considering the results that have taken place, from the doctrines promulgated by it, that they have not done everything in their power to suppress, instead of encouraging and supporting it; and that they had not sent out their Commissioners with full power to do so, rather than instructed them to call for its establishment. But I shall leave the subject. In the report alluded to by the noble Baron, I see that Mr. Nugent and Sir Frederick Hankey are recommended to be removed from their offices, and pensioned off at the expense of the Maltese; but I see nothing in the report at all calculated to raise the Maltese in their own estimation. I repeat, my Lords, that Malta is an English settlement—a dependency, the business of which must be carried on for the safety of this country and for nothing else. If any other principle be admitted—if any other purpose besides this be had in view—then we shall lose it as a garrison and a harbour most important to our interests—most essential to our strength in the Mediterranean. As relates to the pecuniary concerns of the island the Government was carried on there by a gallant Friend of mine before the appointment of the commission on the most economical and inexpensive plan, and I believe in that respect there never was any country which required reform less. In reading this document and adverting to the facts connected with it I can come to but one conclusion on the subject, namely, that the commission was framed for the purposes of patronage, and for nothing else except patronage—and that its results if not anticipated and prevented, will lead to the propagation of mischief, and turn out both disgraceful and dangerous to this country.

Viscount *Melbourne* said, there certainly was this difference between the former commission and the present, as had been pointed out by the noble Duke, namely, that the former commission was a gratuitous one, and consequently put the country to no expense, while the recent commission was a paid one. The question, however, was, not whether the commission was a paid one, but whether the inquiries it was appointed to prosecute were such as it was prudent or proper to make; and that such was the case was clear, from the circumstance that the difference of opinion between this Government and the former on the subject was simply that the present Government considered that the inquiry could not be carried on satisfactorily except on the spot, on the island itself, while the noble Duke thought it could be carried on quite as satisfactorily at home. Now he was clearly of opinion, that as the question which mainly created discontent at Malta was a local one between the people of Malta and its Government, it was in the highest degree politic and expedient, not to say essential, that the inquiry into it should be made by an intelligent and independent commission on the spot. He must say, that he had been considerably surprised at the light and easy manner in which the noble Earl who brought forward the question had treated the matter. "Oh!" the noble Earl seemed to say, "what can you possibly want with inquiries into the subject of a free press? No such inquiry as this is at all necessary. Every body feels that a censorship on the press is a thing which cannot longer remain, and which must be abolished." He should suppose, however, that the speech of the noble Duke had a little undeceived the noble Earl on this point. That speech must have shown the noble Earl how much it was, that the Government had to consider and to weigh on this subject. Whatever the noble Earl might think of the facility of coming to a determination on this subject, however general the noble Earl might conceive to be the admission that the censorship of the press should and must be done away with, he could assure the noble Earl that there were many different opinions on this subject; that persons of great weight, influence, and power, viewed this matter with very considerable alarm; and of this he should imagine that the speech of the noble Duke, which he perfectly understood, and which he was much surprised the noble Earl had not anticipated, must have pretty clearly informed the noble Earl. He most undoubtedly agreed with his noble Friend on this point, and he had been heartily glad to hear the noble Earl adopt such a tone, and talk of the matter as he had done, but he was well aware, that the subject would not be so viewed by others; that there were persons who would take a very different, a much more serious, view of the question, and he conceived, that the views so taken of the subject by many influential persons were sufficient to justify Government, both in the eyes of his noble Friend and of the noble Duke, for the delays which had taken place, for not having hurried the matter, for the procrastination which had been made matter of charge against them. He had already observed, that the noble Earl treated the matter somewhat gaily, but this was far from being the case with the noble Duke, who viewed it in the most serious light. The noble Duke stated it, as his opinion, that the commission was issued merely for the purpose of obtaining a report on a free press in Malta, and this with the view of exciting rebellion in the Italian states, and a spirit of liberalism throughout Europe. He could only say, that he was not at all aware of the existence of any such intention; he could safely repudiate on the part of the Government any feeling of that nature, or the slightest wish to disturb the repose of any European state, more particularly an allied and friendly one; and he must beg to say, that the report appeared to him of peculiar advantage in this respect, that, going thoroughly into the subject, it established, as completely as could be established by argument, the fact, that there was no hazard of the kind stated by the noble Duke,—no reason whatever for apprehending the evil consequences which the noble Duke anticipated. The noble Earl talked of the report as a mere theoretical affair, which anybody could have drawn up at home, but he could not concur in this view of the case. He had always understood, that theories were of no use except as founded upon the circumstances of the country or situation to which they had to be applied, and this principle was not to be departed from even in the case of Malta, notwithstanding the noble Duke had, somewhat inconsiderately, thought proper to designate it as a mere fortress, and to liken it to the deck of a man-of-war. He would merely add, that he entirely concurred in all that had fallen from the noble Secretary for the Colonies, and that he saw none of the dangers which the noble Duke seemed to apprehend.

Motion agreed to.

HOUSE OF COMMONS,

Thursday, May 3, 1838.

Minutes.] Bill. Read a third time:—Consolidated Fund.

Petitions presented. By Sir E. Knatchbull, from the county of Kent, to pay Constables as formerly out of the Poor-rates.—By Sir R. Inglis, from places in the county of York, and the county of Bedford, by Mr. Palmer, from Hungerford (Berks), by Colonel Sibthorp, from Lincoln, by Sir F. Trench, from Scarborough, by Mr. H. Kemble, from the parish of St. George, Camberwell, by Mr. A'Court Holmes, from the Isle of Wight, by Lord Sandon, from the county of York, by Sir George Clerk, from Stamford, and by Mr. F. Kelly, Lord Ashley, Mr. Goulburn, Mr. Pemberton, Lord Sandon, and other hon. Members, from Droitwich, several parishes in Worcestershire, and several other places, for applying all the revenue derived from Church Property to Church purposes.—By Mr. Morris, from Carmarthen, and by Sir F. Trench, from 2,000 British Manufacturers, for the adoption of some measure to protect their trade.

YEOMANRY.] Lord *John Russell,* before he proceeded with the business appointed for that evening, wished to make a few observations upon another subject. He found, that, in consequence of the debate that had taken place with regard to the yeomanry, an impression had gone abroad, that it was the intention of Government, within some limited period, say within a year, to propose the reduction of the yeomanry of the country. Now, he could assure the House, that nothing that had come from her Majesty's Government tended at all to countenance such a proposition. His own opinion was, that it would be better to constitute a militia force on a basis more extensive than at present. Of course, if that militia force were consolidated by means of an Act of Parliament, it would hereafter come to be a question, whether it would be better to keep up that force, and the yeomanry together; but nothing that he had said tended at all to imply, that it was the intention of the Government to put an end to the yeomanry altogether.

Sir *Robert Peel* was afraid, the explanation which the noble Lord had given, would not remove from the minds of many persons interested in the maintenance of the yeomanry, the impression under which they laboured, in consequence of the debate the other night. There might have been an apprehension that it was the intention of Government to dissolve that force after a twelvemonth had elapsed; but even if that apprehension was removed, there would still remain another unfortunate impression, because he thought the inference to be drawn from what the noble Lord had stated was, that, if in the case of an unforeseen disturbance, there should be an unfortunate necessity to apply for some stronger force, the yeomanry would not be that force.

Lord *John Russell:* What I stated the other night was, that I thought one of the great uses of a yeomanry was to prevent disturbances taking place, from the knowledge that that yeomanry existed in the neighbourhood. What I stated further was, that I thought in case of disturbance it was far more advisable to resort to a regular force. Of course, I do not mean to say, if a sufficient number of regular forces do not exist in the neighbourhood, it may not be advisable to resort to the yeomanry; but I must still entertain the opinion, that the calling in of the yeomanry is far more likely to continue the ill-will and dissension in different parts of the community, than the calling in of the regular force.

Sir *Robert Peel:* I beg leave to ask the noble Lord of what use will be the impression that there is a large yeomanry force in the neighbourhood, if there is to be another impression that such force will not be called out.

Lord *John Russell:* Now really what the right hon. Gentleman has just said, makes it necessary for me to state what I had hoped I had clearly stated before. I do not think it is the most desirable force to call out, if disturbance exists; but if there is not a sufficient force in the neighbourhood, then the yeomanry must be resorted to, although I wish another force should be in the neighbourhood.

CHURCH LEASES.] Lord *John Russell* rose for the purpose of calling the attention of the House to a subject of very great importance; and considering that he was then addressing a new Parliament, and that there must of necessity be many Members of the House who had not heard the previous discussions upon the question, he had had some doubt on his mind whether it might not be desirable on the present occasion to go generally through the measures of ecclesiastical reform to be proposed, whether on the part of the Church Commissioners and the Government in conjunction, or by the Government alone, upon the responsibility of the several select Committees which, from time to time, had given their attention to the subject; but, after mature deliberation, he had abandoned that intention, thinking it might be inconvenient to mix up a subject which called for the immediate and undivided attention of the House with other questions which must come at different periods before them for their discussion and deliberation. He, however, still thought that in bringing forward a question of the nature of the present, it would be necessary for him to state, in a few words, some matters which did not of right belong to the immediate appointment of the Select Committee he was about to move for, but to which some allusion was rendered the more necessary by the frequent appeals made to the public, seeking to represent the present ministry as disposed to deprive the church of the property which legally belonged to it, and to apply it to purposes other than those for which it was originally intended. That was not the immediate subject before the House; but still he thought it necessary to state emphatically—and he gladly availed himself of the present opportunity to make the statement—that no proposition had ever emanated from the present Government which was calculated to deprive the church of the property it had heretofore enjoyed, or to affect the incomes belonging to its members, whether of its hierarchy or of its subordinate members down to the lowest curate. He would take the liberty of stating, in the first place, without going into all the details with respect to the distribution of that property, what, according to the most authentic records, which he conceived to be the returns under the ecclesiastical commission, was the amount of the revenues of the church. By those returns it appeared that the gross annual revenues of the several archiepiscopal and episcopal sees in England and Wales was 181,631*l.*, the gross annual revenue of cathedral and collegiate churches, 284,241*l.*; the gross annual separate revenues of the members of the cathedral and collegiate churches, 75,854*l.*; the gross annual revenue of the benefices, 3,197,225*l.*; making altogether a gross annual revenue of 3,738,951*l.* Then, with regard to the net revenues, the returns were to the following effect:—The net annual revenue of the several archiepiscopal and episcopal sees was 160,292*l.*, affording an average of 5,936*l.*; the net annual revenues of the cathedral and collegiate churches, 208,289*l.*; the net annual separate revenues of the members of the cathedral and collegiate churches, 66,465*l.*; the net annual revenues of the benefices with or without cure of souls, 3,004,721*l.*; making a total net revenue of 3,439,767*l.* Now, although they had by an act of Parliament respecting tithe provided for the commutation of tithe into rent-charge, and although they had, by another act, with respect to the ecclesiastical revenues, ordered a different distribution of those revenues, yet by neither of those acts—neither by the act respecting the commutation of tithe, nor by the act providing for the different distribution of the episcopal revenues, nor by the proposition of last year connected with Church leases—was the gross annual income of the Church proposed to be diminished. Taking into account the various sources of the income of the Church—taking into account the increase which had occurred in several of the rent-charges by the operation of the Tithe Commutation Act—taking into account, also, and above all, the fees which had been taken in places where small incomes had been returned to the Commissioners, he thought that the gross annual revenues of the Church might be stated at about four millions, or the net annual revenues at not less than three millions and a half. Now that was the property with which they had to deal, and however it might be distributed eventually, however right or wrong the Church Commissioners might be in their estimates of the amount of revenue, they found the Church to be possessed of that precise amount the Government proposed that the Church should be kept in possession of. Whether it were fit or right that the Archbishops of Canterbury and York should have an income of 22,000*l.* a-year each, or that those incomes should be diminished, as the Church Commission had proposed, or whether it were right that the existing cathedral chapters should be maintained, or whether it were expedient that they should be reduced from the present number of twelve to four, according to the proposition which was made by the Government; this, at least, could not be doubted or disputed, that however the revenues of the Church were to be distributed, the annual income of the Church was, according to all the propositions which the present Government had already or would hereafter bring forward, to remain to the Church, and to continue the property of the Church for those special purposes of religious instruction for which it was originally confided to it. Now, he must say, seeing this was the case, that some of those bursts of indignant vituperation which had been so lavishly aimed at the present Government might have been spared, and that those who, he contended, did but little honour to their clerical character by attending political dinners, might as well have stated to their listeners what the facts really were, instead of indulging in base and groundless harangues, imputing to the Government acts, motives, and opinions of which its members, both collectively and individually, knew nothing. He would abstain, however, from entering further upon this point, but proceed at once to the consideration of the general question to which he had to call the notice of the House. He might here observe, that those who had petitioned the House upon this subject did not, as far as he could collect, object to its being thoroughly inquired into. He held in his hand the petition from Scarborough, just presented to the House, and he found, that it by no means objected to an inquiry into whether Church property might not be improved by legislative interference, but stipulated that any increased revenue which might so arise should be applied to the purposes of the Church. The noble Lord, the Member for Lancashire, was not of the opinion of these petitioners. That noble Lord had said, that if any additional property could be acquired by an act of Parliament directed to the better management of Church lands, such property, being solely the creation of that act of Parliament, would belong, not to the Church, but to the state; an argument which, if adopted, would allow the sum got by such means to be applied to the payment of the war in Canada, or any purpose equally secular. Into that argument, it was quite unnecessary that he should enter, because, without attempting to say in what way the increased property to be derived from the better management of the Church lands, should be hereafter applied, he and his colleagues held it a fixed principle, that it should be devoted to a purpose clearly and deeply connected with the Church. Many hon. Members opposite, he believed, were of opinion that these funds should be applied to the education of the people. Her Majesty's Government, on the contrary, thought that the preferable application would be to devote them to getting rid of what had constituted for many years past, a subject of contest, dissension, and dispute—he meant church-rates; and with this view to dedicate them to a purpose which nobody could deny, was connected with the Church, namely, to the repairs of the fabric of the Church itself. Having stated thus much with respect to the general object he and his colleagues had in view, and presuming that it was neither necessary, nor indeed expedient, that they should then discuss or decide what should be the eventual application of the fund which it was expected would be created, he should at once address himself to what he considered were the two points for their immediate consideration—the one being, that some change in the system of leasing church lands was necessary, and that an inquiry with that view would be proper; and the other, that the most advantageous mode of inquiry would be by a Select Committee of the House of Commons. Now, with regard to the first of those objects, he thought that no very long argument was necessary to show, that there were circumstances connected with the existing system of managing church property which conduced neither to the interest of the Church, to the interests of the immediate holders of that property, nor to the interests of the community at large. Between church property and other property in land there was this obvious difference, that persons holding it had only an immediate interest in it for their lives, and that after their lives it went, not to their heirs, but to the individual appointed to succeed them in the station in virtue of which they became entitled to its revenues. It, therefore, most naturally followed, that the bishop, or other owner for the time being, should seek, without any regard for the interests of those who should hold it next, to make as much out of it while in his possession as he could; while, on the other hand, it was obvious that on general principles a tenure which might be a short one was a tenure injurious to the improvement of the property. It was for this reason he conceived, that the Legislature in the reign of Henry 8th, gave power to let church lands with certain continuity for a period of twenty-one years or three lives. One might suppose from that condition, and, indeed, it might have then been the prevailing notion, that a lease for twenty-one years or for three lives was nearly similar; but, of course, they all knew that was not the case, and that a lease for three lives was equivalent to at least sixty or seventy years. But the Legislature that gave the power to which he alluded, at various times altered its conditions, making with regard to some of those leases rules and regulations which it did not extend to others. There was one of those rules which made a very essential regulation in respect to church property—namely, that which related to concurrent leases. If a bishop should suppose, that a sufficient fine had not been paid for a twenty-one years or three lives' lease, it was made competent for him, at the expiration of each seven years, or of the third life, to grant what was termed a concurrent lease, by which another life was put into the original lease. That rule was not extended to the case of lands held by deans and chapters. The consequence of that regulation was what might be expected—a great deal of doubt and difficulty on all sides—in many instances much disadvantage to the landholders under those leases; but, chief in importance and extent, manifest disadvantage to the Church itself. It was obviously the advantage of the bishops, dean, and chapter, or any other ecclesiastic holding church lands in right of his temporary position in the Church, to obtain as large fines as possible, and hence was occasioned at various times very great detriment to the estates of the church, and in many instances it occurred, that the successor to a bishopric found, upon obtaining possession of his see, that its revenues were very much diminished from what they formerly were. He should beg leave to read to the House some instances which had occurred of property having been injured in the manner he had described. The first instance he should take dated so far back as the Restoration; and as it was detailed very clearly in two passages, the one extracted from Bishop Burnet's History of the Reign of Charles 2nd, and the other from the Life of Clarendon, written by himself, he should trouble the House by reading them. Bishop Burnet said—

> "Almost all the leases of the church estates over England were fallen in, there having been no renewal for twenty years. The leases for years were determined; and the wars had carried off so many men, that most of the leases for lives were fallen into the incumbents' hands. So that the church estates were in them; and the fines raised by the renewing the leases rose to about a million and a half. It was an unreasonable thing to let those who were now promoted carry off so great a treasure. If the half had been applied to the buying of tithes, or glebes for small vicarages, here a foundation had been laid down for a great and effectual reformation. In some sees 40,000*l.* or 50,000*l.* was raised, and applied to the enriching the bishops' families. Something was done to churches and colleges—in particular to St. Paul's in London; and a noble collection was made for redeeming all the English slaves that were in any part of Barbary. But this fell far short of what might have been expected. In this the Lord Clarendon was heavily charged, as having shown that he was more the bishops' friend than the church's. It is true the law made those fines belong to the incumbents; but such an extraordinary occasion deserved that a law should have been made on purpose. And with this overset of wealth and pomp that came on men in the decline of their parts and age, they who were now growing into old age became lazy and negligent in all the true concerns of the church: they left preaching and writing to others, while they gave themselves up to ease and sloth."

The corresponding passage from Lord Clarendon's life was to this effect:—

> "The old bishops who remained alive, and such deans and chapters as were numerous enough for the corporation, who had been long kept fasting, had now appetites proportionable. Most of them were very poor, and had undergone great extremities; some of the bishops having supported themselves and their families by teaching schools, and submitting to the like low condescensions; and others saw, that if they died before they were enabled to make some provision for them, their wives and children must unavoidably starve; and therefore they made haste to enter upon their own. They called their old tenants to account for rent, and to renew their estate if they had a mind to it; so the old tenants and the new purchasers repaired to the true owners as soon as the King was restored, the former expecting to be restored again to the possession of what they had sold, under an unreasonable pretence of a tenant right (as they called it), because there remained yet (as in many cases there did) a year, or some other term, of their old leases unexpired, and because they had, out of conscience, forborne to buy the inheritance of the church which was first offered to them, and for the refusal thereof, and such a reasonable fine as was usual, they hoped to have a new lease, and to be re-admitted to be tenants of the church. The other, the purchasers (amongst which there were some very infamous persons), appeared as confident, and did not think that, according to the clemency that was practised towards all sorts of men, it could be thought justice that they should lose the entire sum they had disbursed upon the faith of that government, which the whole kingdom submitted to: but that they should, instead of the inheritance they had an ill title to, have a good lease for lives or years granted to them by them who had now the right. But the bishops and clergy concerned, had not the good fortune to please their old or their new tenants. They had been very barbarously used themselves, and that had too much quenched all tenderness towards others. They did not enough distinguish between persons; nor did the suffering any man had undergone for fidelity to the King, or his affection to the Church, eminently expressed, often prevail for the mitigation of his fine; or if it did sometimes, three or four stories of the contrary, and in which there had been some unreasonable hardness used, made a greater noise, and spread farther than their examples of charity and moderation. And as honest men did not usually fare the better for any merit, so the purchasers who offered most money, did not fare the worse for all the villanies they had committed. And two or three unhappy instances of this kind brought scandal upon the whole Church, as if they had been all guilty of the same excesses, which they were far from."

Now, what occurred in the reign of Charles 2nd, might under the existing system of church leases, be very often the case, and indeed instances were not wanting of something of the same kind having occurred during the reigns of late sovereigns. There were two similar instances on record of bishops having made inordinate fortunes, by availing themselves, to the great scandal of the Church, and to the great detriment of its interests, of the laxity of the law in regard to church leases. He might mention one instance in which, through the management of a bishop, a revenue of 11,000*l.* a-year was reduced to one of between 4,000*l.* or 5,000*l.* a-year. Young lives were put in the leases, for which the present bishops received large fines, and though the lessees were not injured, the see was impoverished. In Somersetshire, in 1750, a case occurred of a lease granted on three lives of ten, eleven, and twelve years of age, which was of great injury to the succeeding bishops. According to the present law, that of Henry 8th, and which had been framed with very little knowledge of the subject, by the introduction of young lives into the leases, the property of the bishops might be much deteriorated. But it might be doubted, at the same time, whether anything were gained by this practice, and the law for the existing holders of the leases. Their interest in them was comparatively small, and the fines they paid, diminished their means of improving the estates they held. He believed, that the lessees were not much benefited, but in the end, the property of the Church was very much dilapidated, and then Parliament was asked to provide by means derived from the State for those purposes for which the property of the Church would have amply answered, if it had been properly husbanded. He could refer to several more instances in which this had been the case. He did not know the particular merits of those cases, and it was possible, that in many of them it was right that leases should take place, and that they should be extended to a period of ninety-nine years; but, at the same time, he thought it dangerous that these matters should be disposed of by private Acts of Parliament, whether in the cases of prebends with small incomes, which by this means might be doubled, or perhaps even trebled, or of other lessors, whose interest it was, to obtain as much as possible, and that there should be no controlling power to see, that those acts sufficiently provided for the interests of the Church. In many instances, where property had been so disposed of, there had been an increasing population; and the Church Commissioners had lately told Parliament, that there ought to be a provision made for the purpose. But if any steps had been taken eighty or one hundred years ago, similar to those he now proposed, the spiritual wants of that increasing population would be duly provided for, and there would exist no reason for making such a complaint. [“*Hear.*”] He was glad to hear th cheer, because, taking even the mode of appropriation of the hon. Gentlemen opposite, it was a proof that they did not object to an inquiry into this matter. Although they had ruled the country for so long a time on the established principle, that there was much ground for inquiry, yet that inquiry had never been made; but he must say, he was glad that the time had arrived when they thought it desirable to see better regulations with respect to this property. Now, in the period between the years 1750 and 1814, not less than thirty-five Acts of Parliament had been passed, which very greatly affected those estates, and their alienation. There was another instance, too, with respect to church property in coal mines, in the counties of Durham and Northumberland, when the fines paid, almost exceeded the value of the property. In one case, 40,000*l.* had been paid by the Marquess of Londonderry, and since the year 1819, he had paid not less than 100,000*l.* for fines which belonged to the dean and chapter of Durham. He thought it very wrong, that these large sums should be paid into the private pockets of particular bodies, without reference to the increasing demands of the public for religious instruction. He had stated these cases, to show the manner in which church property was held, and frequently disposed of; and he thought they sufficiently proved, that it was sometimes disposed of in a way not conformable to the original intention, and not desirable for the spiritual interests of the country. In his opinion, the best manner in which the inquiry could be effected was, by means of a Select Committee, and this opinion was principally founded on the occurrences of last year, when his right hon. Friend, the Chancellor of the Exchequer, had brought forward his motion with respect to church leases, and church-rates. His right hon. Friend had made several calculations, by which he had shown, that not less than 250,000*l.* per annum might be obtained from this property for such purposes as Parliament might consider the best for the interests of the Church; but those calculations had been disputed by Gentlemen on the other side of the House, almost all of whom denied, that they were legitimate. But what was most remarkable was, that his right hon. Friend, who had time to consider this question, had stated, that if this property were calculated after the manner of deferred annuities of thirty years, instead of twenty-four years, several millions would be lost by the country. The reverse was his opinion; and he had little doubt that, by proper arrangements, an annual surplus of 300,000*l.* would accrue. When such, however, were the differences of opinion, it was but just and fair that some inquiry should be instituted, in order to ascertain the actual facts of the case. Her Majesty's Ministers might be wrong in their calculations; the hon. Gentlemen opposite might be right in theirs; but, at least, this was clear, that it was very inconvenient to enter upon any consideration of the ultimate arrangement of the subject while the facts on which alone that arrangement could be advantageously founded were in doubt or denied. There were many other statements which were made by his right hon. Friend, that were likewise disputed, with respect to leases being granted at seven per cent. when money was borrowed at five and five and a-quarter per cent.; and those statements also ought to be made the subject of inquiry. It might be said, that it would be better to make that inquiry in another manner than by a Select Committee of that House. But if it were made by Government, or by any persons acting under the authority of Government, the whole proceeding would be liable to cavil, and the accuracy of the result would at once be denied by the other side. If it were made by the Church Commissioners, it would be influenced by the great discrepancy of opinions which, as he had already stated, existed among the members of the Church Commission as to the mode of managing the property in question. Left, therefore, in such hands, all chance of a satisfactory result might be relinquished. There was also another consideration. The House might like some account of the past, to see whether anything like a provident attention to the real interests of the Church had been manifested, or whether, on the contrary, those interests had been entirely abandoned for the purpose of providing for the members of certain families. If such an inquiry as that were to be referred to the Church Commissioners, they could not enter into it without subjecting themselves to great odium; for they would be bound to institute an examination into cases in which Bishops, and Deans, and Chapters were concerned. It was not fit, therefore, that the subject should be referred to the Church Commission. Ought any other Commission to be appointed? In general the House did not seem to think, that the appointment of Commissions, where it could be avoided, was desirable. At least, he was sure, that if the hon. and gallant Member for Lincoln were present, that hon. and gallant Gentleman would oppose the appointment of a paid Commission. If, therefore, there was a necessity that an inquiry of the kind should be instituted; if that inquiry could not be advantageously referred to the Church Commission, or to any other Commission; if, were it undertaken by Government, the correctness of the report would lead to endless disputes, what could be better than to appoint a Select Committee of that House to inquire into the facts of the case; thus laying a safe foundation on which Parliament might afterwards legislate? He begged leave to observe, that the motion with which he intended to conclude, would not, in the slightest degree, determine the future application of any increased value which it might be found practicable to give to church leases. Undoubtedly his own opinion still remained what it was last year; namely, that if an annual increase could be obtained of 250,000*l.* or 260,000*l.*, it would be better to apply it to putting an end to all the heart-burnings and jealousies which at present existed on the subject of Church-rates; and to prevent those disputes and conflicts which now annually took place in vestry meetings. A right hon. Gentleman opposite had stated, that he had conferred on the subject with several of the prelates of the Church Commission, and that it was their opinion, that, if an increased value could be given to the property in question, it ought to be devoted to the increase of the spiritual instruction of the people. He did not deny, that that was an object which deserved the consideration of Parliament, and that, if it could be accomplished, it was very desirable that that instruction should be extended to the whole community. It was, however, a question of preference, and the answer to it must depend, in a great degree, on the amount that might be obtained, and on the situation of the country at the time. If the amount should be as large as he supposed it would be, and if the excitement in the country, produced by the opposition of the Dissenters to the Church-rates, were not exceedingly violent, a portion of the amount might be so applied. But, otherwise, he thought the application, recommended by his right hon. Friend last year, was the best that could be adopted. Of this, however, he was sure, that, after the present year, Parliament ought to apply itself to the establishment of some definite legislation on the subject. It would be exceedingly unjust to the lessees of church property, if the question were to be kept several years in suspense. Even in their present state, their property was not so valuable as that of persons holding in fee simple. "Attempts have been made," said Mr. Butler, in his edition of "Coke upon Littleton," "to establish an obligation on landlords to renew, but they have not succeeded. The renewal, therefore, is still a matter of favour and of chance; but is so far valuable, that it enhances the price of property on sales." His object and his wish were, for the sake of the Church, for the sake of the lessee, and for the sake of the community, that this state of things should be altered. He was, therefore, prepared, in moving for a Committee, to propose that every possible light should be thrown by that Committee on the nature of Church property, with a view that, after the Committee had ascertained all the facts of the case, Parliament might take into consideration the best mode of legislating with reference to the application of any increased value that it might be found practicable to create. He had stated to the House what was the application which he should prefer; but it would be most inexpedient and unwise, in appointing a Select Committee, to bind them at all upon that point. When the Committee had made their report, then would be the time for considering what further step to take. All that he now wished for was, a fair, full, and honest inquiry, with a view of coming subsequently to a wise and deliberate determination. The noble Lord concluded by moving the appointment of a "Select Committee to inquire into the mode of granting and renewing leases of the landed and other property of the Bishops, Deans, and Chapters, and other ecclesiastical bodies of England and Wales; and into the probable amount of any increased value which might be obtained by an improved management, with a due consideration of the interests of the Established Church, and of the present lessees of such property."

Mr. *Liddell* rose to give a distinct negative to the proposition of the noble Lord who had just spoken, and he assured the House that he did so with an unfeigned sense of the difficulty in which such a course would place him. His connexion with Durham rendered him as anxious to promote the interests of the lessees of church property, as he was to protect the interests of the church. He wished to do justice to both, and it was for that reason that he felt desirous to state his opinion in regard to the conduct of the Government relative to the important question before the House. The present Government was charged on strong grounds with having unsettled many things, and it was certainly true, that they had settled but a few. When, therefore, the noble Lord opposite came forward to propose a Select Committee to inquire into the mode of granting and renewing leases of the landed and other property of the bishops, deans, and chapters, and of the other ecclesiastical bodies of England and Wales, and into the probable amount of any increased value which might be obtained by an improved management—and when he considered the importance of the subject of that inquiry, and reflected on the previous conduct of the Government in relation to other great questions—when he considered all these things, he felt that he had a right to ask what the object was which the Government had in view. That object he had had some difficulty in distinguishing from the speech which the noble Lord opposite had just concluded, and it was only towards the termination of that speech he had been able to form any idea in regard to the object of the noble Lord and of the Government. The noble Lord did not ask the House to give any pledge in regard to the disposal of the amount he anticipated from an improved management of church property, nor did he state with much distinctness how he himself wished the sum which might be derived to be applied; yet he had stated with sufficient plainness his own view of the matter to be, that the money should be applied to the abolition of church-rates. As, however, the question of church-rates had not been brought formally before the House, he should not trouble the House with many observations on that important question. It was sufficient for him at the present time to say, that he objected to the plan brought forward by the Government for the settlement of the question of church-rates last year; and though his mind was open to the consideration of any safe and judicious scheme which might be brought forward to satisfy the wishes of those who complained of the burden of church-rates, yet to the proposal of the Government, he decidedly objected, and would oppose it to the utmost of his power. He opposed the present proposal of the Government on two grounds,—first, because he wished justice to be done to the Church; and, secondly, because he wished to see justice done to the lessees of church property. He considered, that the revenues of the Church were far from being adequate to provide spiritual instruction for the wants of the people, and that they would be totally inadequate to meet the wants which would yearly increase with a rapidly increasing population. With the increased demand which would be made upon the revenues of the Church by a vast population, yearly increasing at a rapid rate, they would not be found too large by any addition which might be made to their amount by any mode of management which should be adopted. In introducing a subject so important, he did expect that the noble Lord opposite would have applied himself a little more particularly than he had done to those abuses which were stated to exist in regard to the management of the property of the Church. The noble Lord had, indeed, carried them back to the time of the Reformation, and to the period of Charles 2nd, and Clarendon, and had referred the House to numerous Acts of Parliament in support of the views which the noble Lord had advanced. But the instances advanced by the noble Lord had little bearing on the question before the House, and when the noble Lord called on them to appoint a Select Committee on a subject so vast and important, he did expect that the noble Lord would have given them present instances, showing where an improved management of Church property was necessary. He might be willing to admit, that the manner of granting leases of Church property was not the most judicious for improving the property of the Church; but the noble Lord had not applied himself to the subject, and had confined his remarks to a few general principles which he had advanced. He might be willing to admit, that some abuses in some instances existed, and that a *primâ facie* case might be made out by the Government; and the noble Lord, the Member for Northumberland, had last year come to the assistance of the Government, and in support of the general principles they had advanced, brought forward some cases drawn, he believed, from the state of Church property in the county of Durham. To the cases brought forward by the noble Lord, the Secretary at War, on the occasion to which he alluded, he would take leave shortly to call the attention of the House. The noble Lord last year said, "I would ask any Gentleman to look at the two banks of the river Tyne—at the aspect of the north bank, and the south bank of that river. I see on one side the enormous improvements in value which have been effected—wild lands reduced into a state of cultivation, and the face of the whole country wearing an aspect of prosperous industry, and successful enterprise." He presumed the noble Lord alluded in these remarks to his own side of the Tyne, where the condition of the country was that of high cultivation, and where agriculture was prosperous; but the noble Lord went on to say:—"On the other side of the river, I see not only no improvement as regards the value of the property, but a positive deterioration in all the property upon its shores." Now, with all respect to the authority of the noble Lord, he felt himself obliged to say, that as far as his experience went, and he had some knowledge of the county of Durham, to which the remarks of the noble Lord had reference, that the statement of the noble Lord in regard to the condition of the country on the south bank of the Tyne, was a statement for which there was no foundation. From his own experience, he could declare that there was nothing in the condition of the property on the south bank of the river, and belonging to the see of Durham, injurious to the interests of the Church, or to the interests of the lessees. But one assertion was as good as another, and he would therefore appeal to other evidence in proof of the erroneous position advanced by the noble Lord, and in support of the opinion which he himself had expressed. He could hardly imagine that the noble Lord had viewed the country he had alluded to with his own eyes, and he was inclined to believe, that the noble Lord had obtained his information from, and made his statement on the authority of others. In answer, however, to the observations of the noble Lord, and in corroboration of his own statement, he begged leave to read an extract from a memorial from the leaseholders of South Shields, which had been prepared in consequence of the apprehensions created by the proposal brought forward in that House by the right hon. the Chancellor of the Exchequer last year in reference to church leases. They stated—" that they were lessees of lands or tenements under the right rev. the dean and chapter of Durham," and that " they view with great alarm the scheme for enfranchising Church leaseholds contained in the proposition recently brought forward for the abolition of church-rates, as the terms of that scheme, as they have been explained to the country, would be ruinous to many of your memorialists, and injurious to all; that your memorialists have to observe, that the owners of the fee have themselves derived great benefit from the mode in which the lands held by your memorialists have been improved; that in the parish where their property lies, the soil is intrinsically of an unproductive character, and would yield but a small return, whereas by the expenditure of capital, the agricultural land is under the highest cultivation." They further stated, and he begged to call the attention of the noble Lord opposite to this part of the memorial, that " many proprietors of leaseholds were incumbered by mortgages or settlements whose entire unappropriated income would be absorbed by the proposed rent-charge, and who, without funds at hand to apply to speculative improvement of their property, would be reduced to beggary; whereas if the measure were optional great panic amongst incumbrancers would be allayed, and it is to be hoped, that within a period inconsiderable in extent even these leaseholders would eventually be enfranchised by the progressive savings of the present tenants, or by voluntary transfers into wealthier hands." The memorialists then went on to pray, that any measure for the enfranchisement of Church property might be optional. But what distinguished those tenures of property held by the memorialists was, the certainty of their renewal, and that certainly had conduced, in a very high degree, to the improvement of the town and of the surrounding country. The certainty of renewals under the present system inspired confidence in the leaseholders, and the effect of that confidence was the erection of extensive glass-works, and other important undertakings, at once beneficial to individuals and to the country generally. As an instance of the confidence inspired by the certainty of renewals, he would take leave to mention the formation of an extensive railway passing through the property belonging to the see of Durham, and which must have cost a sum not less than 150,000*l.*; and could it be imagined, he would ask, that any speculators would lay out their money on such expensive undertakings if the certainty of a renewal of their leases was destroyed? A deep responsibility, therefore, attached to the Government, whose conduct had unsettled the confidence which existed; for previous to their measures relating to Church leases the most perfect confidence as to renewals existed. Had any party —had either the Church or lessees petitioned the House on the subject, and asked the Legislature to interfere; or was there any dispute between the parties till the plans of the Government were brought forward on the subject of church-rates? No; no one had petitioned; none had asked for the interference of the Legislature, nor were there any disputes between the Church and its lessees. In a country like England the Government ought to be ever foremost in giving support to the tenures by which property was held, instead of being the first to disturb those tenures, and to weaken the confidence which they inspired. But he would leave this part of the question—he would leave the case of the leaseholders of South Shields; and it now became his duty to offer a few observations in regard to the tenure by which coal-mines were held. This was a part of the question which, although of the highest importance to the whole of the north of England, and to the county of Durham in particular, had not received that attention which it deserved. The noble Lord opposite had indeed adverted to this part of the question, but in a very superficial manner, and he had made no observations in regard to the difficulties which would have to be encountered in effecting an alteration in the management of this species of property. As this was a most important part of the question to be investigated by the Committee, he trusted the House would allow him to refer to documents, which he would do as briefly as possible. In regard to collieries, a great portion of those on the north side of the Tyne were exhausted, and the greater portion of those which were now worked lay in the county of Durham. Of these, one-third, as regarded extent, was in the possession of the Church, and that third, as respected value, was equal to one-half of the whole. The Church was also in possession of several lead-mines, but he would not particularly advert to those, as the arguments applicable to the coal-mines were applicable also to the lead mines. For the proper working of the collieries the erection of expensive steam machinery was necessary, and it might fairly be stated, that the expense of the preparations required for the working of coal-pits was from 100,000*l.* to 200,000*l.* At the very outset of such undertakings there was an enormous expense to be encountered for sinking the pits. Formerly, when coal was to be found near the surface, that expense was trifling; but now it was necessary to sink the pits down to the seam, and it frequently happened, notwithstanding great experience and the most judicious advice, that the proprietors of coal-pits were obliged to shift their ground from not finding coal in the position first attempted, while not one quarter of a mile from the first position the seam wished to be arrived at would be found. Great additional expense was thus incurred, and all in the very outset of the undertaking. These collieries were generally worked by companies, and the first object was to secure a sufficient quantity of coal to produce a return for the capital expended, and that capital could only be prudently laid out when there was a fair prospect of its being reimbursed within the period of the lease. Assuming, therefore, that they were secure of the lease, and that the field of coal could be advantageously worked, the next object was, to secure a conveyance for the coal from the mouth of the pit, or, as it was termed, the right of way. The length of the conveyance frequently extended eight or nine miles, and the Bishop of Durham possessed the power of granting a right of way in a great many cases. The charge for that right of way was not directly made, but an additional charge was made upon the lessees in the shape of rent for the conveyance of the coal through the property of the Church. Here, then, was an important point for the consideration of the Committee which the noble Lord proposed to appoint, and whatever changes in the management of Church property were to be made, justice to the bishop, and to the dean and chapter of Durham, required that those charges for right of way ought to be considered and respected. He would not detain the House by any observations on the rent paid for those collieries, but would proceed at once to another part of the subject. He alluded to the case of coal-fields taken from the Church as remote speculations, and not from the prospect of any immediate emolument. There were many cases where leaseholders of collieries found it necessary to provide against the time when the coal-fields worked by them at present should become exhausted. It would, therefore, require infinite consideration to protect the lessees from injustice. (The hon. Member read a statement respecting the township of Wallsend, which had given its name to so large a proportion of the coals now sent to London, and which stated, that the mines there had been worked for many years on the faith of the existing leases.) On the coal lands, he continued, depended the prosperity of the North of England, and anything which shook the confidence of the parties concerned in them would affect that prosperity. The disfranchisement of Church property in that neighbourhood might have that effect, and no measure could be satisfactory and effectual which was not left to the voluntary adoption of those parties, on principles of mutual interest. He did not, however, understand that a free choice was to be left by the noble Lord. It was true, the noble Lord asked for a Committee; but was it not the object of Government to obtain possession of this property? The Government had shown a determination to avail itself of the proceeds of this valuable property, stimulated by the clamorous demands of those who had been their active supporters, and who were distinguished for anything rather than an attachment to the Church or Constitution of the country. With these observations he would leave the case of the lessees, only entering his protest, as the guardian of their interests in that House, against the proposition of the noble Lord. There were, however, some other points to which he should feel it his duty to advert. But in the first place he would state, that it was his intention, in case his first motion of a direct negative did not succeed, to move an amendment in accordance with that moved by his right hon. Friend, the Member for the University of Cambridge, last year, the effect of which would be to direct the application of any available funds to the diminution of the evils arising from the want of adequate religious instruction to the people. This led him to another branch of the subject, to which he begged to direct the attention of the House. Admitting the great wealth of the Church in the county of Durham, he must remind the House and the country of the charities which had emanated from ecclesiastical bodies in that district. There was the great Bamborough charity, and many others, from which a large portion of the community obtained the highest advantages, all of which had their rise in the benevolence and liberality of the Church. He must remind them, also, of the great munificence of the late bishop of that diocese, and of the dean and chapter, in the establishment of the University of Durham, of the increase of the income of small livings to a higher amount, and of the public charities of the two late bishops, Barrington and Van Mildert. A great deal more, too, remained to be done in this respect in that neighbourhood. He held in his hand a statement of the condition of the benefices in the diocese of Durham under 300*l.* a-year, and of its wants as regards new churches. From this statement it appeared, that there were in that diocese twenty-two bishops' livings under the value of 300*l.* a-year, exclusive of surplice fees, and which were in the patronage of the bishop, or so situated, by his having property in the parishes, as to raise them to the amount of 300*l.* a-year, exclusive of surplice fees, under the Act of the Archbishop of Canterbury, passed in 1831. From this statement it also appeared, that there were thirty-four dean and chapter livings under 300*l.* a-year, to which the same circumstances were applicable with respect to the dean and chapter's power of raising them to 300*l.* a-year; and that there were no fewer than eighty livings, not in the bishop's or the dean and chapter's patronage, and under the annual value of 300*l.* If the just and imperative claims of the livings in the patronage of the bishop and the dean and chapter on the surplus funds were granted to the full amount required, and if half the amount necessary for augmenting livings in other patronage than that of the bishop or dean and chapter were granted, on condition that lay-patrons or lay-impropriators furnish the remaining half, a principle now acted on by the Queen Anne's Bounty Board in augmenting poor livings, the total annual amount required would be 21,323*l.*, according to the Archbishop's Act, and according to the plan suggested, 2,067*l.* With respect to new churches in the diocese, the bishop had promised an endowment to the new church at Shildon of 300*l.* a-year, and the same sum to a new church at Stockton. There were churches ready to be consecrated, in the course of building, or in contemplation of being built, at Gateshead, North Shields, Seaham Harbour, Darlington, and other places, to the amount of eight churches, at 300*l.* a-year each. Besides these, there were many new churches wanted in various other parts of the diocese, where the population was rapidly increasing; so that, on a moderate calculation, a reserve should be made from the episcopal or chapter revenues for the endowment of new churches still wanted of an annual sum of not less than 2,000*l.* The whole summary of this statement showed, that on a moderate scale of augmentation, there ought to be a reservation of an annual sum of not less than 21,000*l.* out of the alleged surplus ecclesiastical revenues of the diocese, and it was but common justice, that the ecclesiastical wants of the diocese of Durham should be fully provided for, both as regards the inhabitants and the right disposition of the revenues left for its specific ecclesiastical requirements, before any portion of those revenues was applied to any other purpose whatever. The poverty of the population in the places where churches were required rendered it necessary to come to the see for money for these purposes, and that population increased in an extraordinary manner. With regard to what the noble Lord (Howick) had last year said as to the amount of dissent in that part of the country, and who had attributed it to no better reason than the collision which he stated was constantly taking place between the Church and the holders of its leases he must say, he was astonished at any such statement on the part of the noble Lord, and he could give, he thought, a much better reason for the prevalence of that dissent than the dislike of church-rates. The cause of it was, in fact, to be found in the increased amount of spiritual want, the natural result of so great an increase of the population by the opening of coal mines in many parts of that country, where there had only been before uncultivated and unprofitable wastes. It was among this population that the want of spiritual instruction was felt; and how was it possible, that it should be otherwise than that dissent should be the consequence? Did he blame the dissenters for trying to reclaim this moral waste? Assuredly not; but, at the same time, he thought he had given a better reason than the noble Secretary at War for the increase of dissent in the county of Durham. The hon. Gentleman enumerated many parishes in which the population had increased by thousands, and said, that if he found a county which, like this, stood in need of more spiritual assistance than its own Church could give it, he would never consent to any appropriation of any part of the revenues of that Church, except to the satisfaction of those spiritual wants. He had the good fortune to be present at the delivery of the first charge of the present Bishop of Durham—not a Tory bishop, let it be remembered, but a liberal Whig bishop—and, in speaking of the abstraction of a great portion of the income of the see for the purpose of supporting other bishoprics, the right rev. Prelate took occasion to complain of that Act of the Legislature in the following terms:

> "Neither can I disapprove of the alienation of a portion of the revenues of the see, large as they were in amount, and of late years even increased. A reasonable deduction might be made with great good to the Church, and yet leave a sufficiency for personal and necessary domestic expenses; yet I think a larger sum might have been appropriated, considering the urgent claims which the diocese presents on his fostering care and assistance, to the liberality of the bishop. Perhaps this diocese differs from most others, if not in peculiar features of country, yet in the singular and most appalling frequency with which changes of population take place in it. There is no diocese in which so many thousands are found to lie so scattered as to be thrown at a most inconvenient distance from existing places of worship; nor is there perhaps any diocese in which such numerous instances occur of the inhabitants so rapidly increasing, or being so suddenly created. Where a barren moor lately presented the appearance of a desert, never inhabited, and but rarely visited by man, a railroad may perhaps be formed, or a coal pit opened out; and suddenly a swarthy people flock around; cottages are built, and men, women, and children appear diligently employed in gaining their daily bread, but seeking in vain for that bread which sustains the vital principle even to everlasting ages. Lastly, I fear there is no diocese which presents so many instances of redundant population and scanty endowment; for it should be remembered, that, in large parishes, the care of one man, however zealous and active, will not suffice. The united exertions of two or more are probably required, while the income may not afford adequate remuneration even to the laborious and conscientious incumbent. Hence it appears that in many cases a necessity exists for the erection of chapels and providing for the due discharge of sacred duties in them. In other cases it must be apparent that schools should be built, and diligent and well-qualified masters appointed to superintend over them. In some parishes, again, however urgent may be the want of assistance to the incumbent, his income is so limited, or his family so circumstanced, that it cannot provide him with that aid of which he is so deeply sensible his parishioners, as well as himself, stand in need. Now, in all these cases, the late splendid amount of episcopal income in this diocese enabled the bishop to apply immediate, and often sufficient, aid. If the repair of an old chapel or the building of a new one became necessary, if a school were to be erected or a schoolmaster paid, or if the deficient income of a parish created a necessity for some additional means of income, application was made to the Bishops of Durham; and I am bound in justice to them, and more especially to my immediate and lamented predecessor, to say, that they seem to have held their almost princely revenues as good stewards of the manifold grace of God, and freely imparted to all as all had need. With these ready resources for pressing emergencies, with these ample funds, they were able to supply at once new wants, and to remedy existing inconveniencies, and the peculiar situation of the diocese attracted less observation. Indeed, the very pressure of the wants apparently secured their being but little known beyond the limits of the diocese itself. But when a change was propounding, and it became certain that no small portion of the episcopal income would be withdrawn, it was natural and proper that the state of the case should be represented to those with whom rested the effecting of the proposed change, and that the urgent necessities of the diocese should be proclaimed. I confess to you that I was not one of those who felt any anxious disposition to object to the arrangement which was then

proposed and confirmed; and though not without considering that a very large reduction was made in the revenues of the see, nor without reflecting on the heavy and inevitable expenses which were entailed upon its possessor, I yet trust I acted in this matter with a judicious eye, not to parsimony, but to becoming retrenchment, leaving the bishop enough at the same time for domestic and family purposes, and something to afford to charities and other public uses. Nevertheless, I cannot help thinking that it would have been more useful to the diocese if some greater latitude had been left to the bishop for supplying the extraordinary wants of the clergy. And I have only to express an earnest wish that, in any future arrangements which may be made, whether in revising such as have now received the force of law, or in any other contemplated changes, all the resources which are drawn from one part of the ecclesiastical fund of the diocese, may, as much as possible, be devoted to the assistance and improvement of the others."

This quotation he considered to be of importance, as it expressed the opinions of a right. rev. prelate who had been appointed by the present Government. This language, on the part of a bishop who was appointed by the noble Lord himself, must place the noble Lord in this dilemma. He must either admit the justice of the right rev. prelate's opinions, or he must give up all claim to be considered a friend of the Church. He had now performed his duty. He had been desirous to state to the House of Commons what he considered to be the true interests of the lessees of ecclesiastical property in the county of Durham. Except in a few instances no complaint existed with respect to the nature of the present tenure, or with regard to the effects which it produced. When he called the attention of the House and the Government to the state of the county of Durham, and the immense quantity of manufacturing property that might hereafter be employed therein, he hoped he had been able to show sufficient grounds to make the course taken, with respect to all these interests, a safe and a wise course. He trusted, whatever change her Majesty's Ministers might be desirous to make, that such change would be carried into effect with a due regard and a just consideration of all the important interests involved. This could not be done unless a voluntary agreement were continued instead of any attempt at a compulsory arrangement. He thanked the House for the attention with which he had been listened to, and would conclude by moving as an amendment to the motion of the noble Lord, to leave out the words that a Select Committee be appointed; and by stating, that should the motion for a Committee be carried, he would then move the addition of the following words:—"With the view of applying such amount to the gradual diminution of the evils which flow from the deficiency in the means of religious instruction and pastoral superintendence by ministers of the Established Church."

Mr. *Hume* said, that if any stranger had entered the House at any time during the delivery of the hon. Gentleman's speech, he would have supposed that the proposal of the noble Lord was to deprive the Church of a part of her revenues. The whole speech of the hon. Member seemed to be a series of complaints against some one individual or the other, who had intentions hostile to the interests of the Established Church. He had no doubt that the hon. Member considered himself to be a good son of the Established Church; but for his part he could not regard the hon. Gentleman to be an honest son of that Church if he sought to support it at the expense of those who were not connected with it. Why did not the right hon. Baronet (Sir Robert Peel) who was now sitting beside the hon. Gentleman, or the other right hon. Baronet (Sir James Graham) who was on the other side of the hon. Gentleman, why did not they, when in power, bring forward a proposition to appropriate the surplus revenues of the Church for the benefit of the inferior clergy. Was it ever done? If it ever was done it had not come to his knowledge. He did not know of any appropriation of the revenues of the bishops for the benefit of the inferior clergy. However, that had nothing at all to do with the question before the House. The hon. Member for North Durham had expressed great solicitude for the maintenance of the Established Church. Now, if the hon. Gentleman entertained any real respect for religion, and was anxious to support that Church which he conscientiously believed to be the best, ought he not to evince his sincerity by proposing to give it that support by means which were already in his own power? Was it just and proper to put his hands into the pockets of the dissenters, and rob them of their property, in order to maintain that Church from which they conscientiously dissented? What was the proposition of the noble Lord? Not to rob the Church; this he most distinctly denied; but to require it to support its own fabrics out of its own resources. There was every inducement for men to belong to the Established Church: honours and emoluments were connected with it. Was it fair, then, that men, in number almost equal to those who belonged to the Church itself, who, from conscientious motives, withdrew themselves from that Church, and made a sacrifice of all those honours and emoluments, should be compelled to contribute to the support of the fabrics of that Church from which they derived no advantage, or be designated the despoilers of that Church, because they objected to contribute to the augmentation of its already excessive resources? Robbers of the Church indeed! Why, all history proved, that if there were any robbers of the Church, they were to be found within its own fold. The bishops themselves had been its greatest spoliators. There was not a single dissenter in the country who had ever had one farthing of the property of the Church, while, on the other hand, there was hardly a clergyman of the Church who had not received some portion of the dissenters' property. But this was a system which was incompatible with a state of quiet or satisfaction among that greatly increasing part of the community. They willingly supported their own places of worship, but they most loudly complained of being required to support, also, those of the Established Church. If, indeed, the members of the Church were to come forward as paupers and make an appeal to the dissenters for their contributions, he knew not what they might be disposed to do towards assisting their fellow Christians, though of a different denomination; but when it was notorious that the Church had ample wealth to maintain its own establishment, it was too much to expect that those who had their own places of worship to uphold, should pay towards the maintenance of churches to which they did not belong. The complaints of the hon. Gentleman against the Ministers who had stepped forward as mediators between the dissenters and the members of the Church, with a view to do justice, if possible, between them, were most ungenerous. He had seen nothing in the conduct of the noble Lord which showed the least desire on his part to trench on the property of the Church. On the contrary, he considered the noble Lord to be one of the greatest friends of the Church, by endeavouring to provide a fund for its maintenance out of its own means, and thereby relieve it from the hostility of the dissenters, who had hitherto been obliged to support it. He had already declared it to be his opinion, that the greatest robbers of the Church were those whose duty it especially was, to uphold it in all its integrity. As a proof of the justice of his assertion, he would refer the House to the way in which the manor of Tottenham, formerly belonging to the Church, had been wrested from it, and appropriated to a noble family, a member of which was, when the act of spoliation was committed, prime minister of this country. By a private Act of Parliament, all the property from St. Giles's up to Hampstead, worth nearly two millions of money, was alienated from the Church, reserving only to the dean of St. Paul's the paltry sum of 300*l.* a-year. To this act of spoliation it was proved, that those who were called the guardians and protectors of the Church lent their aid. Could the hon. Member for North Durham name any dissenter who had ever robbed the Church of one farthing of money, or one acre of land? This was not the only instance that could be brought to justify him in asserting that the most professing friends of the Church had been her greatest spoliators by appropriating large portions of Church property to the benefit of private families. With these indisputable facts before them, was it not too much that the hon. Gentleman should charge the Ministers with bringing forward the present measure for their own peculiar and party purposes? What was the object which the Government had in view? They were anxious to put down the discontent now prevailing among large bodies of men towards the established Church, deeming it neither fitting nor seemly that the existing contest between the dissenters and members of that Church should be allowed to continue and extend. It was time that the dissenters should no longer be subjected to the burden which they had for a century past been compelled to sustain. He was told, indeed, that it was the beginning of a great change. Granted, but they were in a constant state of change, and it was the duty of the Government to adapt the laws to the circumstances of the time. It was not intended that one single lessee should be injured by the present measure; but he would affirm, that the present leases had very often been improperly made, and that an inquiry ought to be instituted with a view to ascertain whether any surplus revenue could be realised for the purposes contemplated by the Government. He believed, that the result of such an inquiry would be a conviction on the part of those hon. Members who objected to the present motion that there were means within the Church itself for upholding its own fabrics, and thereby affording an opportunity to the members of that Church of rescuing it from the stigma now fixed upon it by the system of extortion pursued towards those who did not belong to it. Let that be done, and an end would at once be put to those heart-burnings and jealousies which existed between the dissenters and the established Church, to the real detriment of all parties.

Mr. *Goulburn* observed, that whether the hon. Gentleman and his Friends, or whether those who entertained views different from him and them, were the truest friends of the Church was a question he did not intend to enter upon. It was one upon which it was impossible that either he or the hon. Gentleman could arrive at a just and similar opinion; but he did claim the right to entertain an opinion as to the force of the arguments of the hon. Gentleman, and with respect to some of them he was anxious to offer a few observations to the House. In the first place, he thought it was not quite consistent in the hon. Gentleman to expect that the House would accede to his opinion upon this subject, when he had shown himself to be utterly uninformed of a fact which must be within the knowledge of every other Member in the House. The House would hardly concur with the hon. Gentleman in the assertion that his right hon. Friend (Sir Robert Peel) had, when in office, forborne to adopt measures for curing the evils arising from the unequal distribution of ecclesiastical revenues, because the House would recollect that his right hon. Friend was the minister to propose that a commission should be appointed specially to inquire into the ecclesiastical revenues, with a view to remedy those enormous evils which prevailed in the country, namely, the destitution of the people of spiritual instruction and pastoral superintendence. The hon. Gentleman rested assured that his right hon. Friend was one of those who had never taken any measures to remedy the evils which previously existed in the Church. However, he would not on this occasion enter into a contest with the hon. Gentleman upon that part of his statement. The speech which the hon. Gentleman had delivered, appeared to him to have no bearing upon the subject before the House, and he should therefore rather address himself to the observations of the noble Lord who opened this debate. The question with which they had to deal was, as the noble Lord had stated, whether it were fitting that a committee should be appointed to inquire into the management of Church property; and whether, if such an inquiry were to take place, the surplus revenues which might be derived from it, ought to be applied to the religious instruction of the people, or to other public purposes. In urging his views of this question upon the House, the noble Lord had commenced his speech by an attempt to defend the Ministers upon whom he said the general imputation had been cast of their having a disposition to invade the property of the Church, and to misappropriate its revenues. The noble Lord stated, and stated truly, that that was the general imputation cast upon the Government throughout the country. In making that admission, he quite concurred with the noble Lord, that he had stated what was the general feeling; and if he were asked whether he considered that that feeling was a correct one, he could not deny that there was in it a great deal of truth. The manner in which the noble lord was dealing with the property of the Church, was well calculated to create an impression that he did not view that property as being in its nature strictly confined to the purposes for which it was originally intended; namely, ecclesiastical purposes, according to the wants of the Church. The argument by which the noble Lord defended himself against what he thus stated to be the general and popular feeling, was this: he first detailed the gross amount of the revenues of the Church, and then stated, that the Government had afforded protection to that portion of Church property consisting of tithes, by commuting tithes into a rent-charge; that they had secured adequate incomes to the bishops; and that no measure which they intended to pursue, was calculated to diminish the present amount of the income of the Church. By thus showing, that the object of the Ministers was the maintenance of the present income of the Church, the noble Lord conceived, that he had satisfactorily defended himself and his colleagues from the charge of having the disposition to invade that property. He would, however, on the other hand say, that the object of the noble Lord's measure was to prevent the possibility of making any improvement in Church property for the benefit of the Church; that in all time to come, whatever might be the improvements in other species of property, or however great might be the want of religious instruction by the growth of the population and the increase of knowledge, there should, nevertheless, be no power for improving the property of the Church, and of increasing the means of affording religious instruction to the people, and further he would say, that the noble Lord, in proposing such a meaure, and making such a declaration, sufficiently showed, that he was not sensible of the real objects for which Church property was originally created, and that by doing away with the possibility of increasing it by improvement he did as effectually invade the property of the Church, and destroy its usefulness as if he had proposed to deal with the actual income which the Church at this moment possessed. His hon. Friend (Mr. Liddell) had adverted to the property which the Church possessed in mines in the county of Durham, and had pointed out the impediments which would be thrown in the way of its improvement, if the Church were not allowed to take advantage of the increasing value of such a description of property. What hope could be entertained, when this measure should be brought into full operation, that there would be any means of preventing the population of that district from becoming barbarised and uncivilized for want of religious instruction. He should like to know what would have been the situation of this country now, if previous ministers had acted upon a scheme similar to that now proposed by the noble Lord. The noble Lord, in the course of his speech, adverted to the reigns of Henry 8th, and Queen Elizabeth. If the minister of that day had come forward and said, "I am a friend of the Established Church—I will limit its income to the amount which it at present possesses—think not that I for a moment wish to lessen that amount; no, I will secure to it for ever all that it now enjoys;" though, by the by, they had no assurance of this kind from the noble Lord. But, supposing this language to have been held by such a minister, what, he would ask, would have been the situation of this country at the present moment? Why, instead of having to deplore as they now had, that there were towns and cities, counties and districts in which the evil of a deficiency of religious instruction now prevailed, they should have had to lament, that throughout the whole of Great Britain, there were no adequate funds for providing any kind of religious instruction; and that this country, instead of being what he was happy in believing it to be, one of the best-conducted countries in the world, would have held a far different station among the nations of the earth, and would have been found in that state of weakness and wickedness which was the necessary consequence of the absence of all spiritual instruction of the people. But was this all that the noble Lord proposed to do with the property of the Church? No. The noble Lord might flatter himself, that he was maintaining its amount, but he would unquestionably diminish its security. The present measure involved the principle of converting the dignitaries of the Church into the holders of rent-charges upon the estates they themselves at present possessed. The mode by which the noble Lord proposed to augment the means which were to be at his disposal for public purposes was, that the clergy in future, instead of being territorial possessors, should be the mere holders of a rent-charge issuing out of the estates heretofore their own property. In so doing, the noble Lord would materially change the security of that property. The hon. Member for Kilkenny had said, that the dissenter had a right to object to pay money out of his own estate, which was to be made applicable to religious purposes which he did not approve of. If this argument were well founded, he would ask the hon. Gentleman, supposing a dissenter to be the party by whom this rent-charge was to be paid, whether he thought that such a rent-charge would not be considered a greater grievance than the petty charge now imposed upon him in the form of church-rates? In the first place, then, he contended, that the noble Lord was, by the present measure, invading Church property, inasmuch as he deprived the Church of all future increase of that property, by its gradual improvement; and, in the next place, he invaded it by diminishing its security and altering its character. It was for these reasons that he should now meet, as he had met before, the motion of the noble Lord, with a direct negative. He thought, as a general principle, that an inquiry by a Committee of that House was not the mode in which a question of this description ought to be dealt with. The noble Lord had told the House—and he entirely agreed with him—that the facts brought under consideration last year by the motion of the right hon. Gentleman, the Chancellor of the Exchequer, ought, at least, to be ascertained before any further proceeding was taken. He quite agreed with the noble Lord, that the consequences of the proceeding of the Government had been, to produce considerable confusion with regard to this species of property, and to injure the interest of the lessor as well as of the lessee. The effect was, to interrupt the regular progress of the negotiations relative to Church property, to the amount of many hundreds a year, and to alarm those who had entered into engagements and settlements. Not knowing the changes of all sorts, which could not be anticipated, and which were likely to occur, it was not wonderful that they should fear, that the security of their property would not be advanced by the violation of agreements which were likely to occur. He agreed with the noble Lord, that this question ought to be settled; but was it likely to be satisfactorily determined by the appointment of a Committee? The noble Lord had said, that he would not enter into the question of appropriation. Oh, no, that was open to the consideration of the Committee; "and if," said the noble Lord (and he perfectly agreed with that opinion), "after the Committee shall have reported, the House of Commons continues perpetually debating the question of appropriation, without coming to any decision, it will prove fatal to the interests of the country." What, then, was the obvious course of proceeding? If the differences with regard to appropriation must be ultimately settled in order to ensure the tranquillity or the interests of the parties concerned, was it not plain and obvious, that they ought to settle first the question of appropriation, which was indispensably necessary, according to the noble Lord's own views, to the final settlement of this question, and then enter into the inquiry, not by a Committee, but through the ordinary channels of the responsible advisers of the Crown, as to the best mode in which the surplus should be appropriated? What must be the necessary consequence of an inquiry before a Committee, what were the facts to be inquired into, and what were the reasons on which the noble Lord grounded his application for such a tribunal? He thought the first reason which the noble Lord had stated was, that his right hon. Friend near him (Sir R. Peel) had disputed the correctness of certain calculations made as to the value of reversions by the right hon. Gentleman the Chancellor of the Exchequer. To clear up the doubts on this point, it was necessary, it was said, to appoint a Committee. Why, of whom did the noble Lord mean to constitute this Committee? Was it to be composed of senior wranglers, men habituated to the calculations of annuities, or did he mean, that it should include those only whom he seemed disposed to nominate in the course of the last Session? Did he think that the opinion of sixteen Gentlemen of a Select Committee as to the correctness of arithmetical calculations could add to the value of statements made to that House? Surely the noble Lord would not maintain, that a Committee of that House ought to be appointed simply for the purpose of ascertaining the accuracy of calculations, and saying whether or not reversions were of a certain value. But another important object was, to ascertain the doubtful point, whether the bishops should be allowed to take five or seven per cent., which the parties paid to them for renewal. But even if the Committee, when formed, should be able to clear up the doubt as to the value of annuities, and to report the facts relating to the question (which any man, with ordinary ability, who was willing to take the trouble might solve) as to whether five or six per cent. was taken on fines, these were questions with which that House had now nothing to do. When the right hon. Gentleman, the Chancellor of the Exchequer, came forward, and wanted 250,000*l*. last year for church-rates, it was important to know whether his calculations were accurate or not. But the question now was, as to the better management of Church lands and property, through means of a Committee. It had ceased to be matter of calculation, and it had now become a question of principle, whether, by the appointment of a Committee, an inquiry of this kind would be best conducted. The noble Lord had also told them, that it was necessary to go into Committee, because certain Acts of Parliament had been passed, dealing with Church property in a manner of which he did not quite approve. He could not agree in the opinion, if Parliament had interposed to give relief from the restraints of the law, when found inconvenient to the party possessing this property, and this after it had been entailed—he could not, he repeated, concur in the view that this interference afforded any ground whatever for instituting an inquiry as to the circumstances under which it took place. Though these Acts might or might not have been judicious, they were like other Acts affecting private property; entails were broken, and family arrangements rendered it necessary that agreements should be departed from, in order that the property itself might be improved. The two kinds of property stood exactly on the same principle, and he never could believe, that Parliament gave the property of the Church the facilities which it had afforded to private property, that an inquiry ought therefore to be made by Committee, in which not only that property which was the subject of former legislation, but all other of similar description must be inquired into, and those transactions brought to light which, with respect to private property, had hitherto been held sacred, and which never would, he hoped, be brought under the cognizance of Parliament. But another ground for this inquiry, stated by the noble Lord was, the great misappropriation of the large income which the deans and prebends of Durham derived from that see. The noble Lord told them, that large fines were received on the renewal of leases, and that these were not applied to the religious instruction of the people. Now, whether that were the case or not, he was not prepared to determine; but, if he were to believe the statement made by his hon. Friend the Member for Durham, who spoke after the noble Lord, he should say, that if there was any one see more than another in which the income of the prelates had been applied to the purpose of promoting the cause of religion, the see of Durham was the bishopric by which it would be found, that the greatest advantage had been conferred. But with this they had nothing to do. Was the Committee to inquire into the legal and ordinary application of the income enjoyed by the bishop, and was it to be a question of inquiry, how far the deans and prebends spent their incomes in promoting the purposes of peace, charity, and benevolence? If these were the questions in which this Committee was to be employed, he should say at once, that its inquiries would be endless, but that it must, while it continued, involve questions of a delicate and painful consideration, and disclose affairs without a knowledge of which it was impossible to come to a just conclusion. He would tell the noble Lord what course Government ought to take. If they deemed the management of Church property capable of improvement, they ought to look into the statutes connected with the subject, and see in what way it might hereafter be regulated. Let them see how the altered circumstances of the times required, that regulations should be adapted to the present state of the property, and let them, having made up their minds as to the necessity of a change, come down and propose to Parliament, on their own responsibility, the measures which they might think necessary to remedy the evil they had discovered. But the Government shrunk from that task; they had neither the ability nor courage to undertake it, and they preferred throwing the inquiry on a Committee, and trusting to a chapter of accidents to see whether the termination of the inquiry, after three or four Sessions, might be such as to enable them afterwards to take advantage of it. He knew perfectly well that to a Committee, constituted by the noble Lord's recommendation, a prepared plan might be submitted, and their assent to it gained; but then this was a cloak for doing that under their authority which should rest on his own responsibility. But if the noble Lord sincerely believed that the inquiry which he had sketched out should be thoroughly gone into, he would tell him, that so far from settling the question this year, that the Committee must continue to sit for many years to come, and be ultimately dissolved without leading to anything but danger and confusion. The noble Lord admitted that the commission of which he was a Member did not think it right to enter into the question of Church leases, and for that reason the Committee now appointed would have to investigate what were the advantages and disadvantages of Church property, with a view of deriving increased means to assist the Established Church in the quarters in which it was found most deficient. The noble Lord thought the Commission unfit for the consideration of such topics, as an inquiry into private concerns, and was unwilling to impose on it so invidious a task. What, then, was the Committee to inquire into matters which were considered of too invidious a character to be submitted to the Commission? Were they to have dragged before the Committee those private concerns which the noble Lord refused to allow to be investigated by a Commission of which he was a member, in common with several prelates? The noble Lord had entered into a discussion of the question which had been much debated in the last Session, as to how far the property of the Church, not previously in existence, might be applied to those purposes to which it was considered expedient to devote it. He would not now enter into the consideration of that subject; but he begged the House to look back to the early periods of the history of Church property, and they would see, that tithes were originally as much the property of the corporation to which they belonged as any other species of private property; and after restrictions had been imposed by Parliamentary enactments, first on the property of the Church, and next on that of the Crown, to prevent dilapidations to the injury of the successor, it was not competent to the noble Lord, when he discovered that these restrictions prevented improvement, to claim a right to the surplus which might result from this course of Parliamentary interference and injustice being discontinued. He would not detain the House by further arguing against a Committee. He should only offer a few observations as to the second motion, which referred to the appropriation of the surplus which might ultimately result from the improved management of this property. He did not think it necessary on that occasion to discuss the question whether ecclesiastical property ought to be devoted to the general purposes of the State. His opinions on that point were well known and remained unaltered; but this he thought, that every man in the House who ever addressed it on this subject admitted, that if there were demands on the part of the Church itself, they ought in the first instance to be satisfied. He asked the noble Lord, then, if he were determined to undertake the hazard of an inquiry, at least let the manner be defined in which the money was to be appropriated, and let it be strictly applied to the uses of the Church, if it were found to stand in need of it. The noble Lord's resolutions, though they entered into a variety of other topics, entirely omitted any reference to the interests of the country at large in the appropriation of religious instruction to the people. He asked the noble Lord whether he had forgotten the statements which he himself made with respect to the wants and necessities of the people? He would not go into details, but he would show the House, from the noble Lord's own statement, what were the religious necessities of the country. It appeared that in one diocese there were four parishes, with a population of 166,000 souls, for the care of which there were only 11 clergymen, and in which there was church accommodation for little more than 8,000 persons. In another diocese, in 24 parishes, containing a population of 730,000 there were but 45 clergymen, and church accommodation for only 60,000. In a third diocese, 9 parishes, with a population amounting to 230,000, had only 19 clergymen, and was provided with church accommodation for only 27,000, making a total in only three dioceses of 37 parishes containing 1,200,000 persons, in which not one-tenth of the population was provided with Church accommodation, and in which there were but 75 clergymen of the Established Church. Here, then, was but one instructor to every 17,000 of the population, and he would ask, how it was possible under these circumstances to exercise that pastoral care and superintendence which formed an essential part of the system of religious instruction pursued by the Church of England. If, then, when they were told, that even with all the exertions of the dissenters, who were labouring in one common field with the Church to rescue the population from ignorance and vice, six or seven-tenths of the people were destitute of religious instruction, surely there was not a man in the country who would not say, that these urgent wants of the country must be supplied. The hon. Member for Kilkenny had said, that to provide for the spiritual wants of the people was all very well, but the getting rid of Church-rates was a preeminent point, because the payment of church-rates by the dissenters was a grievance of which they had a right to complain. But was it possible that the noble Lord could hesitate when called on to make his election between relieving the dissenters from a payment of 50,000*l.* a-year, and providing a million of the population with the means of religious instruction? This was the preference which the noble Lord was called upon to show. The hon. Member for Kilkenny could not say, that the amount annually paid by the Dissenters, in Church-rates exceeded 50,000*l.*, and the noble Lord could not deny, that one million of the people were without the means of religious instruction. He would say, then, that without any feeling of hostility against the dissenters, he could not consent to apply the property of the Church to the purpose of relieving them from a payment which the state called upon them to make, while by applying it in another direction he could insure for so large a body of the population the knowledge of religious truth, and the practice of a virtuous life. He maintained, that the House had no right to apply Church property in any other manner. He knew, that he was addressing a House in which many of its Members dissented from the Church of England; but he appealed to them with as much confidence as others when he addressed them on behalf of a population so lamentably deficient in the means of obtaining religious instruction, and he was sure that, however much they might desire to be relieved from a payment of which they did not approve, they would rather live in the midst of a people adequately provided with religious instruction, even though that instruction were afforded by ministers of the Church of England. He should certainly, in the first instance, vote for the amendment proposed by his hon. Friend (Mr. Liddell), and against the appointment of a Committee; and if that part of his hon. Friend's Amendment were unfortunately lost, he should then certainly vote for that second part of his hon. Friend's resolution, which called on the House to define strictly the manner in which the property of the Church should be applied, if by an improved method of managing its property any increase of revenue might be obtained.

Mr. *W. Evans* said, that the right hon. Gentleman who had just sat down seemed to have forgotten what was the real object of inquiry. That object was, to obtain such information as would enable the House to frame some measure for the more advantageous leasing of Church lands. It was only by an inquiry that such an object could be promoted. The right hon. Gentleman pretended to wish for such an object, and still he opposed the inquiry. When the inquiry was completed the property could be applied to the purposes of the Church of England, or perhaps of any other Church. He certainly thought the most rational mode was first to ascertain the value of the property, and then to deliberate as to its disposal. The right hon. Gentleman objected on the grounds that the property vested in the Bishops was their own. He did not know whether the right hon. Gentlemen meant to assert that they had the power to dispose of it. If they had such right he hoped it would be made to assist the welfare of the Church. He thought this inquiry was very desirable on many points. In Durham the Church was supposed to have enormous property, and as there were many misapprehensions respecting it, it was right that the public should have the correct account. He believed, that the Dean and Chapter did not receive one-fourth of the income; this inquiry would set them right. Some Gentlemen might call the supporters of this motion enemies of the Church—he denied that they were. If he had only entered the House while the Member for North Durham was speaking, and had not known at what side he stood, he should have thought he was making a speech in support of the inquiry, and for the alteration of the manner of leasing the Church property. He would trouble the House with a few details as to the manner in which leases of collieries were affected by the Dean and Chapter. The mines were let at 101*l.* a-year, the applicant paid a fine of 150*l.* and an annual rent of 1*l.* a-year, and by renewing the fine at the end of seven years, he could get a lease for twenty-one years. Thus, in seven years what had he paid? In seven years 157*l.* for a property which he believed was well worth 100*l.* a-year. Thus the Church lost nearly 700*l.* He did not think the country was sufficiently acquainted with this mode of leasing. He did not think it conducive to the glory of God or the increase of the revenues of the Church. But this was a part of the subject he would not pursue farther. He believed that the Dean and Chapter of Durham had done a great deal of good; that they had raised the stipends of many Ministers, and built several new churches. They had also done a very generous and munificent thing in alienating from themselves 100,000*l.* worth of property for the purpose of building an university in their city. He wished, certainly, that that university had been less exclusive; but they had made it as open as Cambridge, and permitted all men to attend lectures although none but churchmen could obtain degrees. He would support the motion with great pleasure; he thought it was one that would be exceedingly useful to this country.

Sir *R. Inglis* said, that the hon. Member for Kilkenny—to whom, as his old opponent on such subjects, he would, with permission of the hon. Member for North Derbyshire (Mr. Evans), first advert—had observed, that if any one had entered the House during the speech of the hon. Member for North Durham he would have supposed, that the intention of her Majesty's Ministers was to rob the Church. Now, he would tell those hon. Members who had entered the House since the hon. Member for North Durham addressed it, that the tendency of his observations was to prove, that the lessees had a qualified independent property in the leases which they enjoyed; that they were subjected to considerable expense from the peculiar nature of the property; and that they were disturbed in the exercise of their rights by the continual agitation of this question; and that negotiations for the renewal of the leases which would have been concluded long before this time, had been in consequence suspended; and to prove also, that great spiritual destitution existed in the county which he represented, and in which the great lessees resided. He did not deny what his noble Friend who introduced the subject had stated, that however the intention of Government might have been concealed by the form in which the motion was couched, there was a general feeling in the country that the question the House had now to decide was, whether a portion of the property now belonging to the Church should be diverted from the objects to which it had been appropriated by the Church. The hon. Member for North Derbyshire had said, they ought first to consider what was the value of the property before they proceeded to appropriate it. But he would submit, that there was a primary question to which the hon. Member had not given a satisfactory answer—namely, what right they had to meddle with it at all. If it were public property, as the hon. Member for Kilkenny contended, then the simple question was, to what objects would it be best to appropriate it; but if, as he held, it was property with which the State had no right to meddle, inasmuch as the State had no more given it to the Church than it had given to the hon. Member for Kilkenny the large property he had amassed, then he maintained they had no more right to investigate its condition or management than they had to inquire into the private affairs of the hon. Member. The noble Lord had stated distinctly, that his own wish would be, to appropriate the property resulting from an improved administration of ecclesiastical revenues to the redemption of church-rates. Now, he put it to his noble Friend, whether, if he obtained the Committee for which he had asked, he would not take pretty good care, in naming the Committee, that the majority of it should consist of persons who were pledged to such an appropriation of the expected surplus as he himself desired. Therefore, he trusted that no hon. Member would vote for this Committee who was not prepared to accede to such a conclusion as that to which he was sure the Committee nominated by the noble Lord would arrive. He knew it was a very popular argument to say, "We want only to inquire, we do not wish at all to pledge any one, we only wish to know the exact amount and nature of the property; but he would remind the House, that the noble Lord who invited them to this inquiry had himself prejudged the issue, by stating what his own individual preference would be; having, at the same time, the power of giving effect to it by appointing the individuals who should conduct the inquiry. He believed, however, the noble Lord would be very willing to suffer the decision to be suspended, not for six weeks or for six months only, but for six years, and he did not think the supposition an uncharitable one, when he recollected, that on the 12th of June, 1837, the noble Lord had found an opportunity of taking the sense of the House on this question, Parliament having then been assembled, he believed, as long as five months, and that the noble Lord had, in the present Session, not chosen to make the proposition till the ninety-third day of the meeting of the House, when it had been announced in the most formal manner, that the coronation would take place on the 28th of June, beyond which event it was not likely that the Session would be long protracted. The noble Lord, in fact, had told the House, that he did not propose to legislate on this subject during the present year. Was there any prospect that, the field of the proposed inquiry being so extensive, the interests at stake so vast, it could be concluded before a considerable portion of another Session had elapsed? He did not anticipate that the Committee would investigate the butchers' and bakers' bills of the prebendaries of Durham, as the hon. Member for North Derbyshire expected, but the materials of the inquiry were so plentiful that it might easily run through two entire Sessions. All the arguments which the noble Lord had adduced in reference to the right of property of the present possessors of cathedral interests would apply with quite as much force to any other species of life tenants. He admitted there was a distinction between ecclesiastical and lay property, but it was not a distinction which could authorise them to rob the one while they protected the other. The interest of the bishops and the deans, the noble Lord said, was a life-interest, descending not to their heirs, but to their successors; but in what did this case differ from the case of tenants of any entailed property whatever? All the abuses on which the noble Lord had dwelt were created by Act of Parliament. The noble Lord had argued throughout as if the bishops and prebendaries, in their individual character, and by their individual authority, had alienated church lands; but he (Sir R. Inglis) said, that the Parliament of England was responsible, since without their authority the transactions of which the noble Lord complained could not have been effected. The abuses referred to by the noble Lord were abuses chargeable on individuals; and what justification could they form for depriving parties, who had faithfully discharged their trust, of powers which they had not abused? Let them punish the wrongdoer, and deprive him of the power of doing wrong for the future; but why punish innocent men, who were not even suspected, and were certainly not accused? Admitting, for the sake of argument, that a great proportion of the leases had been improvidently granted, though, from some inquiries he had made, he believed the proportion of cases to which suspicion attached was very small, compared with those which were entirely unexceptionable, still the objections he had on a former occasion urged against the plan of the noble Lord remained entirely unchanged. The noble Lord's motion would convert the proprietors of what was called the first estate of this realm, who possessed property of as ancient date as any class of men, into annuitants. This, he contended, would, under present circumstances, be a gross violation of law and of right. It was a measure to which nothing but the gravest abuses, not suspected but proved, not proved against a few, but against a great majority, could justify a legislature in consenting. The hon. Member for Kilkenny had asked the House why the establishment was to be supported at the expense of other religious sects. He would meet that question by another. Did the Established Church ask to be thus supported? Did it wish for more than to be allowed to possess the full produce of its own property, and appropriate it in its own way? The hon. Member for Kilkenny had no grounds for accusing the Church of robbing any other portion of the community, or depriving the dissenter of anything which he had a right to retain. He had over and over again shown, in answer to this charge, that the church-rate was a tax, not on the dissenter as such, but on the property held by him, and that the same amount of property, whether held by Turk, Jew, infidel, or heretic, would be burdened with precisely the same amount of rate as if held by the most orthodox churchman who ever held a pew. The hon. Member for Kilkenny had adverted to a minor point, which, though in strictness it ought not to influence their decision on the present question, he was yet unwilling to pass unnoticed. The argument of numbers had often been pressed by that hon. Member to induce them to comply with an unreasonable demand, and he now told them that the number of the dissenters was almost equal to that of churchmen. He would require to have this fact established by the testimony of one in whose accuracy and information he had more confidence; for from all the inquiries he had been able to make, particularly from the information furnished to the House respecting the county of Lancaster, he was convinced the hon. Member was greatly in error, and that so far from being equal in number to the churchmen, the dissenters, including even those who did not wish to be so considered, the Wesleyan Methodists, did not amount to one-seventh part of the population, allowing the largest proportion consistent with truth. No man, he was sure, possessed of an ordinary acquaintance with the statistics of England would say, that they amounted to one-half. Before he sat down, he must beg the noble Lord to consider how much more might have been done by a different application of his principle in respect to Church propecty. If he had given the proprietors of Church property, whether bishops, or deans and chapters, the power of managing their property on more liberal terms than at present, the result would have been more advantageous than could be expected from the proposition of the noble Lord. The principle which the noble Lord had evoked—the principle of interfering with property against the holders of which no allegations were brought—would apply, and with increased effect, wherever there were allegations made. The noble Lord would have the same grounds as those now alleged for taking into his hands all the corporation property in England. The noble Lord could not apply this principle to one class of property without exposing every other class of property whatever to be similarly dealt with. He concurred with the hon. Member for North Durham in the arguments he had used in answer to the noble Lord; he concurred also in the second of the propositions now before the House, which, if he and his Friends should have the misfortune to be beaten on the first, would go to appropriate the improved value of this property, if any, to the purposes of spiritual instruction; and he supported it, because it did not pledge the House to any particular mode of distribution of the surplus—because it did not state, that the administrators of that surplus should be this new Commission. Objecting, as he did, to the appointment of a new Commission, he could not have consented to intrust to it the power of dealing with and administering the property of the Church; and as that second proposition did not propose to take the property of the Church out of the hands of its present masters, he gave it his most cordial concurrence. If he might say so, he must express his hope that no hon. Gentleman who did not concur with the noble Lord's plan for the disposal of Church property would be induced to give his vote in support of the present motion, notwithstanding that, in appearance, it went only to institute an inquiry on the subject. Let no man deceive himself into the belief that the Committee nominated by the noble Lord would be a Committee for any other purpose than that the noble Lord had in view, to take away its property from the Church—property which might better have been applied for the improvement of the people, and to convert it to the relief of the landed proprietors of England. But, he would say, this change was not desired by the landed proprietors of England, because there never was such a display of right feeling and attachment to religion as was manifested last year, when thousands petitioned the House not to be relieved from a tax, but to continue to pay it. Never before, he believed, in the history of England, had it been known, that the petitions for the payment of a tax were as numerous as those against it. Believing, then, that the proposition of the noble Lord was hostile to the security, not only, of the property, but of what he considered still more essential, the stability and influence of the Church, he should give his vote against it.

Mr. *Pease* cordially concurred with the hon. Member who had just sat down in the sentiments which he had just expressed to the House, that the signatures of the petitioners did represent the opinions of those by whom they were affixed to the petitions; but, at the same time, there was another class of equal importance who complained that they were not fairly dealt with, and that their interests and the interests of the country were not properly cared for. With regard to the remark which had fallen as to the state of ecclesiastical property, he was much surprised to find that any doubt should be entertained on the subject. No person who was acquainted with the state of the county which he had the honour to represent, could be ignorant of the fact that it laboured under very great disadvantages on this subject of ecclesiastical property, and there was no man, he was persuaded, who was not desirous that it should be placed in a position by which justice could be obtained both to the lessors and the lessees. It was said, that no petitions had been presented on the subject, but he had

had the honour to present one from Durham, praying the House to take into consideration the whole subject, the petitioners stating themselves to be followers of the doctrines of the Church, but alleging, that nothing would redound more to its credit than that some alteration should be made in that particular. These persons, too, were placed in a position which would enable them to take a just view of the case, and their opinion was, in consequence, entitled to more weight, for they held their lands from ecclesiastical landlords. In those lands, the amount of septennial fines per annum was 2,247*l.* 17*s.* 5½*d.*, the amount out of rents 337*l.* 13*s.* 11½*d.*, the amount of corn tithes 793*l.* 7*s.* 10*d.*, and the amount of modus in lieu of hay tithe 2*l.* 14*s.* 10½*d.*, while the sum of 2,228*l.* 3*s.* 6*d.* was received for other rents of lands and small tithes; so that the annual income which was derived by the dean and chapter of the cathedral was 5,609*l.* 17*s.* 7½*d.* No person who went through the lands, situated in the parish of Billington, could avoid remarking the striking difference between the state of the farms and farm buildings there, in those which were held under lay landlords, and those held under the Church; and he was fully prepared to say, that it would be infinitely more advantageous to the farmers, that they should hold under a tenure different from that under which their lands were demised to them, and that an alteration in the law in this particular would be advantageous both to the lessors and lessees, for both parties were now frequently brought into collision with each other, in a manner highly unsatisfactory; feelings of disrespect being thus induced in the minds of the lessees in reference to those whom it was their duty to honour and obey. He knew that, in most instances, churchmen could not be considered as bad landlords, but in many instances sentiments such as he had described were produced by their conduct. In a letter written by Mr. Gregson to Lord Dungannon, in reference to this subject, after referring to the Acts which had been passed for imposing restrictions on the renewal of leases by ecclesiastical persons, he said,

"To all this, I take it for granted, you will answer, that the Acts to which I have referred were intended for the benefit of the Church; be it so, and in my opinion so would a proper adjustment for the redemption of the leaseholds. I apprehend that no man of common sense, who has purchased or become entitled, by descent or otherwise, to a leasehold estate under the Church, is absurd enough to imagine that he is to have his property enfranchised without paying an adequate consideration; for my own part, as a leaseholder, and I may venture to say, that in this respect I speak the sentiments of many others, it is only desired to have a fair and equitable consideration of our position, and that we are ready to meet the matter in a reasonable manner, and would be glad to come into such terms for redemption as Parliament may deem alike advantageous to the church and the lessees; for I have no hesitation in stating, that it will be more acceptable to the public that the scale of adjustment should be fixed by Parliament, than under the schemes of any set of Commissioners."

Reference had been made to the subject of dormant leases, and on this he would read an extract from the same letter. Mr. Gregson said,

"Can it then be doubted, that it is most desirable for the Church, for the lessees, and, above all, for the country, that this dormant capital should be brought into play? We hear and read enough of the advantages of emigration to Van Diemen's Land, to the Swan River, &c., where it is stated, that the surplus capital of England may be so beneficially employed; and are we not constantly taunted with our delays in rendering justice to the unfortunate sister kingdom, where English capital would instantly find its way, if the finest country in the world was tranquillised. Now, I would ask you, Sir, whether it is not quite as reasonable to expect, that this English capital should be brought into action in our own country? What great improvements and advantages would not instantly accrue to England by the enfranchisement of the leaseholds! Every one would have an inducement to adopt a more advantageous system of cultivation, to drain, plant, build, and effect permanent improvements, which have never been applied to the leasehold properties in England, except to a trifling extent, where the property happens to be situated in some thriving commercial district."

Most of the Church property in the county of Durham was situated in the very best part of the county; but it was by no means the most improved property. That, however, in the neighbourhood of South Shields was an exception to this; but on this point, he would read a further extract from the letter of Mr. Gregson:—

"I have been induced particularly to refer to this part of the subject from the circumstance that, during one of the discussions in the late Parliament, the improved state of the property of the dean and chapter of Durham at and near South Shields was instanced as a

> proof of the statement to which I have just alluded; and this fact was particularly referred to, and relied upon, by a Gentleman in Parliament, for whom I have the greatest respect; but every one at all acquainted with the locality of South Shields knows very well that it falls exactly within the exception I have referred to. South Shields is near the mouth of the Tyne, one of the finest rivers in England, and where the coal trade, manufactories, and almost every branch of commerce, are carried on to an amazing extent; the whole of the property, for a considerable distance to the south and west of that town, except that which has been enfranchised of late years, is leasehold under the Church; and, therefore, any man desirous of connecting himself with trade there, has no other choice than the buying or leasing dean and chapter property; thus its present state of value and cultivation is accounted for."

He did not mean to say, that the Church was a bad landlord; but he denied the assertion that had been made on the opposite side, that leasehold property held under the Church, and renewable every seven years on a fine, was equivalent to freehold. He wasconvinced, at any rate, that the people of Durham could not be convinced that such was the case. The fact, however, was, that the nature and amount of the fine levied varied very much, and in many instances within his own knowledge had greatly increased within the last few years. It was contrary to common sense to suppose, that men would lay out their money in improving land when they had not a permanent or, at least, a long interest in it. With reference to this subject he would read a further extract from the letter he had just quoted:—

> "But let any one go through the country generally, and he will soon find the leasehold lands are very far short of those in fee-simple in respect to every improvement, and it must inevitably be so. Are men likely to employ their money in improvements whilst their interests are liable to be so affected by increasing fines for renewals? I have no doubt, however, that persons interested in the continuance of the present system will be found to come forward and state it to be their belief that the Church property is as beneficially employed as it could be under any change of management; nor is it to be wondered at that such persons should take this narrow view of the question."

He trusted, that the House would give him credit for not wishing to bring forward the statements which he had felt it his duty to make on this subject from anything like sectarian views. With regard to the establishment, he dissented from it on conscientious grounds, but he had never there or elsewhere said anything with respect to it which he had not felt it to be his duty to his constituents to state. On every ground, both of security to the establishment itself as well as of justice to the dissenters, he thought it essential, that the present system of levying church-rates should be got rid of. The hardships experienced under the present system were most oppressive to many who conscientiously dissented from the establishment. An instance of this had recently come under his own knowledge. He held in his hand an account of the expenses attending a levy that was made on the property of a Member of the Society of Friends at Gateshead for the sum of 12*s.* 6*d.* due for church-rates, for which a cart was seized of the value of 10*l.* He would read the details as they were specified in the bill of costs:—

			£.	*s.*	*d.*
Cart sold for -			4	10	0
Church-rate, 1834-5 -	12*s.*	6*d.*			
Cost of summons, order, and warrant of distress, and service of summons and order	8	6			
Church-rates, 1835-6 -	11	5½			
Cost of summons, order, and warrant of distress, and service of summons and order -	8	6			
Levying distress in both cases and possession	8	6			
Appraisement -	2	3			
Stamp for ditto -	2	7			
Auctioneer's expenses, advertisements, &c. and expenses of sale	14	3			
			3	8	6½
Balance to return to Mr. Oliver			£1	1	5½

The continuance of such a state of things must necessarily lead to a state of considerable excitement, and produce a degree of animosity and ill-will which every sincere Christian must deeply deplore. He trusted, that the House would have regard to the peace of the country, and would consent to the inquiry which was proposed by the noble Lord, with a view to the regulation of the interest of both the lessors and the lessees of this property, and that the result would be the getting rid of the evils which were now experienced.

Sir *Robert Peel* said, that there was two questions before the House, and although it might be necessary to take a division on both these questions, it was expedient that the first should be disposed of before they involved themselves in the decision on the second. Feeling that this would be the most convenient course, and also, that it would coincide with the general feeling of the House, he should proceed to discuss the two propositions involved in that night's debate. The first proposition was, that a Select Committee of the House of Commons should be appointed to inquire whether by a better system of management they could not give an increased value to Church property; and supposing the House to assent to this proposition, and agree to the appointment of a Committee, then they would have to consider whether they would not attach to it the co-ordinate proposition, that if it should appear that any improved value could be obtained by a better system of managing Church property, the amount so obtained should be devoted to supplying the deficiency of the means of religious instruction and divine worship in connection with the Church. He should, however, resist the proposition for inquiry, as he was satisfied that it could not lead to any beneficial or satisfactory result: but, if the House should assent to the proposition, he trusted that it would be convinced that both for the interest of the people and for the satisfaction of those attached to the Church it was necessary to adopt the further proposition, that they should require that provision should be made that any improved value given to the property of the Church should be devoted strictly to spiritual purposes. Before they could come to a satisfactory conclusion on this point they must listen to the evidence that would be brought forward to show that imperative demands existed for supplying increased means of accommodation and religious instruction in connection with the Established Church; and if they were satisfied by the evidence so adduced that such absolute necessity existed, he was convinced, that they would not relieve themselves nor the landed property of the country—for that was the question—from the obligations under which the owners inherited their estates, or from the obligations under which the purchasers acquired their estates, when it was well known that such landed property at the time of inheritance or acquisition was liable to the support of the fabric of the Church. The question was not merely that of relieving the conscientious scruples of dissenters, for a very small amount of the church-rates was contributed by the dissenters themselves; but whether the great landed property of the country, the owners themselves being members of the Church of England, should be relieved from the charge of maintaining the fabrics of the Church, and the burden be thrown upon the Church itself. The matter must not be determined by reference to the formal words of the proposition, not by merely looking to the terms of the motion, but by historical reference to past proceedings, and by observance of the conduct of those who now made this application. This was not the first time that they had had propositions made to them on that subject. In the year 1834, the Government, then presided over by Lord Grey, but to which most of the present Members of the Government were attached, made a proposition to the House on the subject of church-rates, They thought it expedient to make a proposition with a view of putting an end to the present system of church-rates, and in lieu of it they offered a system which substantially in principle was a fair one; it was, not that the burden of church-rates should be thrown on the ecclesiastical revenues of the Church or on any description of ecclesiastical property, but that the State should take upon itself the expense of maintaining the fabrics of the Church. The proposition was, that they should relieve the conscientious scruples of the dissenters by taking from them the charge of church-rates and making an accurate calculation of the amount of these rates and the charge to which the people were liable on this account, that in lieu thereof they should make a grant from the consolidated fund. Lord Althorp, who made the proposition on this subject in the House of Commons, said that it was founded upon the principle of a Church Establishment, to which it was essential that either the community or the State should maintain the fabric of the Church. The noble Lord said, that he was most anxious to relieve the conscientious dissenter from this charge; but he contended that if the community did not bear this charge the State must. This proposition was carried by a large majority. He believed it was carried by a majority of 116; but the proposition was afterwards abandoned by the Government.

250,000*l.* was the sum that Lord Althorp proposed to advance from the consolidated fund in lieu of these rates. Thus the proposition was made and the system of levying church-rates was condemned; and whatever might have been the opposition to them before, it was greatly increased by the course taken by the Government, who took upon themselves to make a substantive proposition to put an end to church-rates. After this plan was abandoned, the right hon. the Chancellor of the Exchequer, took upon himself to propose another mode of getting rid of them, and made a number of calculations respecting the value of Church property, with a view of showing, that by a different system of management an improved value could be given to it. The right hon. Gentleman did not then call for inquiry; he did not call for the appointment of a Committeee to inquire into the subject on the mere shallow pretence that a difference existed between himself (Sir Robert Peel) and the Government as to the valuation being taken at twenty-five or thirty years' purchase. This was also a matter which no Committee of inquiry was competent to settle satisfactorily; but which any person accustomed to calculations could settle in a very short period. The right hon. Gentleman brought forward his plan without stating, that there was the pretext for inquiry, and in support of his proposition he endeavoured to satisfy himself and the House that he should gain by the improved management of ecclesiastical property a clear income of 255,000*l.*, and that thus he should have 5,000*l.* to spare beyond the amount required in lieu of church-rates. Some fortuitous agency appeared to interfere in this matter, for wanting 250,000*l.* a year, he came down to Parliament and said, that he had found the means of getting 255,000*l.* a year. This plan was not only brought forward, but the resolution was agreed to by the House by a majority of twenty-three. Leave was given to bring in the bill, founded on the resolution, the report of which was adopted by a very small majority; but this subject was abandoned in that shape by the Government. They then heard for the first time of the proposition to move for a Committee. Lord Althorp proposed that 250,000*l.* should be granted out of the consolidated fund in lieu of church-rates, but the Chancellor of the Exchequer, imagining that he had found a mode of getting 255,000*l.* from the improved management of Church property, his plan was adopted by the Government, and could any man then say, that the object of this inquiry was not to get a substitute for church-rates? Look at the proposition of the right hon. Gentleman, and contended for by him and by the rest of her Majesty's Ministers, and although they had the disclaimer of the noble Lord of any intention on his part to bind Parliament to any specific measure by the present proposition, they also heard it distinctly stated, that the opinion of the Government on the subject remained unchanged; and after this, would any person say, that he did not believe, that the object of the noble Lord in his Committee of Inquiry was, to find a substitute for church-rates out of the property of the Church? Would those, then, who were adverse to removing this burden from the landed property of the country and throwing it on the Church —would those who regarded such a proposition as being fraught with injustice, allow a Committee of Inquiry which had this object in view? Would they, by appointing this Committee, excite such hopes in the minds of those who were unfriendly to the Church? And if, however, they did succeed in showing, that they could realise 250,000*l.* a-year out of the improved management of Church property, would it not be urged, that the only way of removing the discontent of the dissenters was by devoting this amount as a substitute for church-rates. The noble Lord said, that in the next Session they must come to some settlement of this subject, as the matter could not be longer delayed; the question of appropriation would become so great, that they must settle it. If such were the feelings of the noble Lord, how was it that this proposition for even a Committee of Inquiry was not made until the 3d of May. What possible reason could be assigned for not proposing the nomination of the Committee within a week after the meeting of Parliament in November last? The Committee was appointed last year in July, but they did in reality nothing. The Parliament met again in November, and although the present system of church-rates had been condemned in 1834 by a resolution to which her Majesty's Ministers were parties, although it had been since then twice condemned—

why not, he would ask, with the view to prevent discussion and ill-blood, allow them an opportunity to shape a measure, or to bring in a bill with all its details of proceeding with the inquiry before the Select Committee. He did not bring any charge as to what were the intentions of the noble Lord, for he dared to say, that his intentions were pure; but if ever there was a proposition calculated to deceive both parties, both dissenters and churchmen, he was satisfied that this was. The coronation was to take place on the 28th of June, and the proposition was not made till the 3d of May, and the noble Lord said, that the inconveniences of the present system were so great that they must be settled next Session. The noble Lord must have some measures either in contemplation, or had adopted the principle of some measure in his mind. If the noble Lord had adopted the principle of some measure, why not at once openly announce it. It was the duty of the Government not to remain passive, and let the battle respecting Church-rates be fought in every vestry-room in the country, and thus aggravate the evils which had been so much complained of by him. If the noble Lord thought that the question must be settled next year, how was it that the Committee was not appointed until the 3d of May, when it was impossible that it could, before the termination of the Session, make a satisfactory report or arrive at any result, when they would have to examine persons holding property under the Church from all parts of the kingdom—from Durham, from Somersetshire, and from Middlesex? But was the Committee to be left to its own unaided efforts without the assistance of Government? If her Majesty's Ministers had no plan to propose and no principle to announce, and admitting, that the question must be settled next Session, was that not a conclusive reason for appointing the Committee at an earlier period? The noble Lord had announced, that the matter must be settled next year, but he had laid down no principle to govern the inquiry of the Committee which he proposed. It was absolutely necessary, however, if the House of Commons should allow the inquiry to be proceeded with, that it should have distinctly before it the principle which was to be acted upon on the result of its proceedings being known. His objection to inquiry, however, was, that it was the ready means of escaping from a difficulty, and getting rid of responsibility; and also it enabled the Government either to adhere to their own opinions or to abandon them as they thought fit, and thus leave the question in a hopeless state. But supposing his objections to the appointment of the Committee to be overruled, would the House allow any residue of Church property that might be obtained to be applied to other than spiritual purposes? By that he meant the increase of the stipends of Ministers of the Church in places where they were at present inadequate, and also the increase of the means of attendance at religious worship. However desirous he might be of relieving the conscientious scruples of dissenters, he was sure that those whom he addressed, the gentlemen of England, and the peers of England, would not consent that their property should be relieved from the burden to which it had always been liable for the purpose of throwing it upon the revenues of the Church. He trusted, that the House would listen to the authorities which he should quote on this subject, to show the imperative claims the Church had. If he were to quote the authorities only of ministers of this Church, or of those of kindred opinions, and who were most friendly to the Establishment, many might be disposed to attach little weight to them; but the authorities which he was about to quote were above all cavil and objection; for he would not refer to any document on the subject which did not bear the signatures of Melbourne, J. Russell, and T. Spring Rice. If he proved the wants and the claims of the Church on such evidence, he believed there could not be any doubt on the subject. The hon. Member for Kilkenny had charged the noble Lord with being a utensil in the hands of the Conservatives. If this were the case, the utensil had now been moulded by others to opinions far removed from those of himself and friends. Before he proceeded to the evidence he alluded to, he would remark, that the noble Lord had stated, that he had never instituted inquiry into ecclesiastical matters for the purpose of removing any evils that existed in the Establishment, and of making an improved distribution of ecclesiastical revenues—lopping off surplus revenue that might exist in one place, and making a new appropriation in another—during the time that he and his Friends were in office. Now this was a very ungracious observation of the hon. Member, for all the measures that the noble Lord had introduced respecting the Church had been the result, and had been founded on, the reports of the Commissioners appointed during his administration. He appointed this Commission in February, 1835, when he was at the head of the Government, for the purpose of inquiring into and considering the state of the several dioceses in England and Wales, with reference to the amount of their revenues and the more equal distribution of episcopal duties, and to the prevention of the necessity of attaching by commendam to bishoprics, benefices with cure of souls—that the state of the several cathedral and collegiate Churches in England and Wales should be also taken into consideration, with a view to the suggestion of such measures as may render them most conducive to the efficiency of the Established Church; and that the best mode should be devised of providing for the cure of souls, with a special reference to the residence of the clergy in their respective benefices." Thus was this Commission instituted, and its inquiries were directed to be made into the topics he had just described, and he was happy to say, that these suggestions that he had made had been found effectual, by carrying the good will of the Church with him. He took a double guarantee for effecting the reforms which he proposed, by carrying with him the friends of the Church. The noble Lord, by the course which he had proposed, had alienated from him the friends of the Church, and the Commission had been broken up because the inquiry was proceeded with against that implied good faith in which it was supposed to have been carried on. The result of these proceedings had been what he should naturally have expected to follow, namely, increased agitation with respect to church-rates, merely in consequence of keeping these matters in suspense, and by shaking with a palsied hand that which they had not strength or courage to use. By these means the edifices of the Church had been kept from repair in many districts, and the property of the lessees in Durham and Cumberland and Middlesex and other districts had been lessened in value. Another result of these proceedings had been to alarm the friends of the Church, and to induce them to abandon their reforms; and the legislature had now no longer the highest and gravest authorities in support of plans of reformation. He would say, with respect to the Establishment, that although there had only been a lapse of three or four years, that the Government was no longer able to make alterations, nor could they command the passing of those measures of reform with respect to the Church, and this was the reason for their seeking refuge by their moving to refer the matter to a Select Committee. He agreed that the time had come when they might review the condition of the Church, and they had a fair right to propose a new distribution of the revenues of the Church; but he would at once tell the noble Lord and his colleagues that they were now no longer masters of questions with respect to the Church. There was a powerful party in that House, and there was a party in the House of Lords, and, above all, there was a party more powerful than either, he meant public opinion, which rallied round the Church in sufficient strength to prevent the Establishment suffering. If the noble Lord did not think so, why was he now content with merely moving for a Committee. Why not at once introduce the measure which was introduced last year with respect to this subject, and which was introduced in the following resolution of the Chancellor of the Exchequer—

> "That it is the opinion of this Committee, that for the repair and maintenance of parochial Churches and Chapels in England and Wales, and the due celebration of divine worship therein, a permanent and adequate provision be made out of an increased value given to Church lands by the introduction of a new system of management, and by the application of the proceeds of pew rents, the collection of church-rates ceasing altogether from a day to be determined by law, and that in order to facilitate and give early effect to the resolution, the Commissioners of his Majesty's Treasury be authorised to make advances on the security, aud repayable out of the produce of such Church lands."

The Ministers then said, that they would not wait for inquiry, as their minds had been made up by the evidence before you; but you proposed at once to issue the sum required for the temporary payments out of the consolidated fund, and, in short, get rid at once of church-rates, and make up the deficiency by the improved value to be given to Church property. The noble Lord, however, now said, that he would not at present propose or say anything with reference to future appropriation, but that he would first have inquiry and see whether there was a surplus before he determined how it should be appropriated—that he would catch his hare before he determined how it should be dressed, and before he invited the guests. Now, the question was, whether the Government were not bound to specify the conditions on which they proposed to enter upon this inquiry, and the appropriation which they contemplated making of any revenues which might be shown under it to be available. The noble Lord had found it convenient on the present occasion to confine his line of argument to a few, he must say, rather invidious reflections upon the conduct of certain members of the Church Establishment, and to instances of misconduct for which he thought it must be admitted, that Parliament had been more responsible than the parties themselves. It was far from his intention to screen the conduct of those who had contributed to the mismanagement of Church property. Instances of parsimony and penury on the part of those placed in high stations, were very reprehensible; but, at the same time, he must contend, that a wholesale system of spoliation by those who were bound to protect property devoted to sacred purposes was infinitely worse. In questions of this nature, in which a great number of persons were concerned, two or three instances of misconduct were not conclusive against the whole body. Let them throw the blame upon those to whom it was due, but, at the same time, let them not include a general body in their inculpation who were free from the imputation. In the first place, the instances of abuse to which the noble Lord had referred were committed many years ago; and moreover, and above all, they were acts for which Parliament was itself responsible, and who would now more closely adhere to its duty by watching narrowly every private bill which tended to alienate Church property from ecclesiastical purposes. But what had been said of the general body of the deans and chapters by the Church Commissioners, including the noble Lord himself, in their report? Why, that "they had exhibited great liberality in embellishing and improving the fabrics of the Church, to the evident diminution of their own incomes. With this testimony to the general conduct of the clergy as a body, he would say, that a few instances of abuse, which occurred some years since, and which could not now be remedied, were not sufficient grounds for an inquiry of this kind. Now, with respect to the conditions under which they were to enter upon the present inquiry. The report which he held in his hand was signed, amongst others, by "Melbourne, T. Spring Rice, and John Russell;" and from that report it appeared, amongst other statements, that there were no less than 3,528 benefices under 150*l.* per annum, and, that on many of them were no glebe-houses, and on many others the houses were not fit for residences. The same report also stated, that there were many poor livings for which it would be very difficult to provide except by appropriating them to the clergymen of the neighbouring parishes. Now, this was the evidence upon which he (Sir R. Peel) relied, and he begged the attention of the House whilst he read the extracts:—

> "It appears from the report of the Ecclesiastical Revenues Commission, that there are no less than 3,528 benefices under 150*l.* per annum. Of this number thirteen contain each a population of more than 10,000; fifty-one a population of from 5,000 to 10,000; 251 a population of between 2,000 and 5,000; and 1,125 have each a population of between 500 and 2,000. On every one of these benefices it is desirable that there should be a resident clergyman; but unless their value be augmented, it will, in many cases, be impossible to secure this advantage. The necessity of such augmentation will be greatly increased by the changes which we are about to recommend in the laws relating to pluralities and residence. The means which can be applied to effect the improvement are very far short of the amount required. Even were no addition to be made to the income of benefices having a population below 500, it would take no less a sum than 235,000*l.* per annum to raise all benefices, having a population of between 500 and 2,000, to the annual value of 200*l.*; those having a population of 2,000 and upward, to 300*l.*; and those having 5,000 and upwards, to 400*l.* per annum."

Again:—

> "The most prominent, however, of those defects which cripple the energies of the Established Church, and circumscribe its usefulness, is the want of churches and ministers in the large towns and populous districts of the kingdom. The growth of the population has been so rapid as to outrun the means pos-

> sessed by the Establishment of meeting its spiritual wants: and the result has been, that a vast proportion of the people are left destitute of the opportunities of public worship and Christian instruction, even when every allowance is made for the exertions of those religious bodies which are not in connexion with the Established Church."
>
> "The evils which flow from this deficiency in the means of religious instruction and pastoral superintendence, greatly outweigh all other inconveniencies resulting from any defects or anomalies in our ecclesiastical institutions; and it unfortunately happens, that while these evils are the most urgent of all, and most require the application of an effectual remedy, they are precisely those for which a remedy can be least easily found. The resources which the Established Church possesses, and which can properly be made available to that purpose, in whatever way they may be husbanded or distributed, are evidently quite inadequate to the exigency of the case; and all we can hope to do is, gradually to diminish the intensity of the evil."

Some time since a reform was proposed of this precious state of things by a curtailment of the income of bishops, but even that was found to give only a surplus of 130,000*l.*, whilst no less than 235,000*l.* was required to raise a certain number of livings to any thing like a decent income. The question, therefore, which he had to submit was this: Supposing they were to be able to realise an improved value of 200,000*l.* or 250,000*l.* on Church property, would they apply it to relieve the land from the payment of church-rates, or would they attempt to remedy the deficiencies which were described in this report, inadequate as those resources, according to this very report, would be, to do more than diminish the intensity of the evil? Under the circumstances he would submit, that it was their imperative duty, before they entered upon this inquiry, to state the views and objects with which it was undertaken. When the House considered, that in the diocese of Lichfield and Coventry "there were sixteen parishes or districts, each having a population above 10,000, the aggregate being 235,000, with church room for about 29,000," and admitting the distinction which was urged between church-rates and tithes, he would ask whether the House was prepared to proclaim that because men dissented from the Established Church they should be relieved altogether from the support of its fabric? He entreated the House to reflect whether, if this principle were admitted, they might not find another conscientious scruple to start up against the payment of rent-charges upon land. Wherever property had come into the present possessor's hands by inheritance, had he not received it subject to this charge? Wherever he had obtained it by purchase, his religious scruples had not prevented him from submitting to an abatement in price proportionate to these burdens; and this was a condition of property which he who was born in Scotland, and who dissented from the Established Church of this country, was equally bound to submit to. If this new principle were adopted, why might not the Duke of Buccleugh, or any other great landed proprietor, insist that his religious scruples prevented his payment of these charges, and urge a claim against the support of a Church with which he did not communicate, with equal justice with the dissenters? The House should, in his opinion, consider that this was a tax, not upon individuals, but upon property, and whether Lord Althorp was not justified when he said, that the State, and not the Church, should provide for the maintenance of the fabric of worship; but, above all, the House should consider whether it was not their imperative duty, under the circumstances detailed to them in these reports of the Church Commission, to apply any surplus which might become available towards providing the means of religious worship in districts which were so destitute of it; and he hoped, that with all these considerations in their minds the gentlemen of England would pause before they sanctioned a measure which, with whatever view or object it might be propounded must have the effect of discharging their own estates from charges to which they had been hitherto subject, and depriving the Church of those revenues upon which they had heard, upon the highest and most undoubted testimony, it had the most urgent and imperative demands.

The *Chancellor of the Exchequer* said, that the right hon. Gentleman who had just spoken had, with great convenience to himself, and perhaps to the House, also, combined in his speech two questions which were not necessarily combined in the motion now before them. The right hon. Gentleman and the hon. Member for Oxford had both assumed that no individual could vote for this Committee of Inquiry without he also proposed to sanction the appropriation of any funds which might become available by an improved management of Church property towards the repairing of the church. It might, perhaps, be very convenient to these honourable Gentlemen to take this course on the present occasion; but, at the same time, he must be allowed to appeal against it, as he had a precedent in the conduct of the House of Lords for a different principle. In the House of Lords, on the occasion to which he referred, many individuals differed as to the ultimate appropriation of any surplus of Church property, but who were, at the same time, unprepared to defend the present management of it. What he would ask now was, whether those Gentlemen, who had just heard the speech of the right hon. Baronet, and the statements which he had cited from reports, corroborating, as all these statements would, their own knowledge and experience of the management of Church property—would these Gentlemen, however they might have voted on former occasions on the subject of church-rates, refuse to take any step which might lead to an improved value of Church property? But, at the same time, he would not consent to go into Committee with a pretence, disguising the object which he had in view in taking up this inquiry. The first proposition which he wished to prove before the Committee was one which he had already on a former occasion ventured to state, namely, that it would be possible, equally to the advantage of the lessor and the lessee, to give an improved value, a value which was not now existing, to Church property. The second object which he had in view as a friend of the Church, not by any means undervaluing its claims, was, that it might experience that first of all advantages, of existing in peace and concord with the world. The right hon. Gentleman, for the purpose of argument had stated, that if the property of the Church were proved to be susceptible of the improvement he contemplated in it, he would not suffer that improvement to be applied to any but strictly spiritual purposes. Did the right hon. Gentleman mean to maintain the position, that the maintenance of the fabric of the Church was not a strictly spiritual purpose? If so, he could quote the authority of the right hon. Gentleman against himself, for in speaking of the temporalities of the Irish Church, the right hon. Gentleman stated, that he had no objection to applying the property of the Church to the maintenance of its fabric. The right hon. Gentleman should be prepared to apply the same principle to two precisely similar cases, and not turn round upon the Ministry now and accuse them of wishing to divert the property of the Church to purposes not ecclesiastical. But then the right hon. Gentleman had made an appeal to the generosity of the Gentlemen of England—an appeal which he trusted would never be made in vain. The right hon. Gentleman reminded the gentlemen of England that they had purchased or inherited their estates subject to these burdens, and he asked them whether they would now come forward to free their estates from these liabilities at the expense of the Church? In 1835 he apprehended that the right hon. Gentleman's notions of the generosity of the Gentlemen of England were not quite so high. When the right hon. Gentleman was a Minister of the Crown, what were the words which he put into the King's Speech, and what the explanation which he gave of them to the House? In the King's Speech the gentlemen of England were not represented to be so calmly resigned to these burdens upon their property as to disdain being relieved from them; on the contrary, a paragraph was purposely framed, holding out a promise of "relieving the land from the burdens to which it was at present subject;" and in order that there might be no doubt at all upon the subject, the noble Lord, the Member for Liverpool, got up in his place, and asked the right hon. Gentleman whether, amongst these local burdens upon land, that of church-rates was intended to be included? and the right hon. Gentleman answered in the affirmative. These promises were then held out with a view of conciliating the country gentlemen to the right hon. Gentleman's Government, for the right hon. Gentleman had not just then discovered their generous feeling which their conduct in reference to the malt-tax enabled him more thoroughly to appreciate. But, really, the House should know a little how these things were managed sometimes; and, in describing it, he believed he was not guilty of any betrayal of confidence, as such things occurred at times to themselves as well as to the right hon. Baronet. The manner and order of the proceeding was this: the Minister of the day, and the mover and seconder of the address, were, of course, on an extremely amicable and good understanding upon all matters in reference to the spirit and the topics to be particularly touched upon in the course of moving the address; but it frequently happened that there were one or two little matters of too delicate a nature to be so prominently thrust forward; and then a more cautious and unobtrusive mode of proceeding was deemed desirable. Accordingly, it was, doubtless, agreed upon by the right hon. Baronet and the noble Lord, the Member for Liverpool, that the subject of church-rates was one which had better not be too distinctly treated of, for fear of awaking the alarm of the hon. Member for Oxford, and putting the friends of the Church in a commotion, and laying themselves open to a charge of truckling to the demagogues and foes of the clergy. These were the considerations, which, doubtless, had their due weight on that occasion; and, accordingly, it was resolved, as the safer course, to thrust a general observation about the "local burdens on the land" into the King's Speech, and then get the noble Lord to put a question as to whether it was intended to include that of church-rates. But to come to the immediate subject before the House, he and the right hon. Baronet were agreed upon one point, namely, in a wish to relieve the land from the payment of church-rates. But the right hon. Baronet's objects were to free the landed gentry from a local assessment, which would be a direct and immediate relief to the agricultural interest. The object, on the other hand, of her Majesty's Government, and he would state it boldly, was not to relieve the present payers of church-rates, but to put an end to a contest between the Church and Dissenters, and restore cordiality and concord between them. In speaking of the proposition of Lord Althorp in 1834, the right hon. Baronet had said, that he considered it would effect a very great improvement upon the present state of the law, and that it would put an end to a great deal of heart-burning; yet the right hon. Baronet, who, at the time, voted for that proposition, had, to-night, if his ears had not deceived him, spoken of that proposition as one which had tended to shake the foundations of the Church.

Sir *Robert Peel:* No, not so. I said that condemning, as that proposition did, the present system of church-rates, the fact of its having been permitted to continue so long without the substitution of a better system for it, had led to agitation which had struck at the root of all Church property.

The *Chancellor of the Exchequer:* If the right hon. Baronet had really any doubt as to what had struck most forcibly at the root of all Church property, and more especially of church-rates, he would refer the right hon. Baronet to the eloquent denunciation of church-rates, delivered in 1834, by the noble Lord (Stanley) who was then sitting by the side of the right hon. Baronet, who had spoken of them as productive of evils innumerable and of discords interminable. He was prepared to contend, that the confusion and agitation which now prevailed on this subject, was not produced by the measure of 1834, or by any conduct of the Ministers, but by the inherent nature of the system. The many evils involved in it had worked out its condemnation, a long time previously to the introduction of any measures to put an end to it. He admitted frankly, even at the hazard of losing some votes, that his wish to go into Committee proceeded from an expectation that by its inquiries they would be enabled to devise a remedy for the evils which prevailed at present, and to find funds for the extinction of church-rates. He admitted that fairly and openly, for he should be sorry to gain a single vote under false pretences. Even if he were not in favour of the plan now proposed by her Majesty's Government, he should say to any Gentleman in whose neighbourhood the present evils of the church-rate system were known, "You may differ from me as to the purposes for which these funds are to be applied, but will you refuse to go into an inquiry which will enable you to ensure a better management of all Church property?" The right hon. Member for Oxford had told the House, that it had no right to inquire into the management of that property, for it belonged to the Church, and to the Church alone. Now, he put it to the House whether it were possible for any man seriously to maintain that argument. Had not the House legislated upon Church property over and over again? What had been the whole course of their legislation from the days of Henry 8th down to those of George 4th? Was it not shown by the long series of enabling and disabling statutes, which had been passed for the purpose of preventing the abuse of the leasing powers of the Church? and would the House now gravely tell him that it had a right to legislate on such subjects without inquiry, and that it had not a right to inquire into them in order to legislate the better upon them afterwards? The right hon. Baronet seemed to think, that this question of a Committee was brought forward as a miserable subterfuge, and as a means of protection to the Administration. Now, that charge had been frequently made against the Government out of doors, but had never been openly preferred against it within the walls of Parliament. He would deal first of all with the case then before the House, and would afterwards proceed to give precedents for the present inquiry. Now, what was the justification of this inquiry? He did not propose it for the sake of settling the arithmetical view of it, for that had been settled already, and the mistake into which the right hon. Baronet had fallen was so natural, that after his confession of it, he would not say a word further respecting it; but he had brought the measure originally forward as a large proposition, not only large in its principles, but also most complicated in its details. Suppose, for the sake of argument, that both sides of the House were agreed as to the propriety of carrying the principle of these resolutions, was there any man—and here he would appeal to his hon. Friend, the Member for South Durham—who had spoken on the third night of the debate last year, and who had moved a negative on the resolution then proposed—was there any man who did not know that, even after they were agreed as to the principle of the measure, it would be impossible to work out its details satisfactorily, as between lessor and lessee in different parts of England, with all the differences which must be made between house property, and arable property, and mining property, without going into Committee to prevent injustice being done to some one? He therefore said, that he was not advocating the appointment of a Committee by way of a subterfuge, or as a means of procuring protection for the Government. No, he was advocating it for the sake of reconciling various and conflicting interests; he was advocating it, not for the purpose of working out and verifying Mr. Finlaison's calculations, but for the purpose of seeing justice done to all parties, to the Church as well as to the lessee, and of ascertaining whether a better management of Church property might not produce a surplus of income capable of being applied to the extinction of church-rates, if the House should think with him that it should be so applied, or to the providing more extensive means for religious instruction, if the House should be of opinion that that was a more legitimate appropriation of it. If hon. Members had any doubts on that subject, let them think of the consequences to which the present leasing system almost of necessity led. Let them only refer to the description which had been recently given in print of the last hours of certain Protestant bishops, who at that awful period were called upon not to think of the eternal concerns of that world which they were approaching, but of the temporal concerns of that world which they were on the point of leaving. Let them think, of their calculating fines with their dying breath, and of their signing new leases with a tremulous and expiring hand. That was not his statement, but the statement of a rev. clergyman, who had spoken of the pen having been forced into the hand of a paralytic dignitary of the church, in order that he might sign some leases of a beneficial nature to his family. Let them think of these things. And here let him express his surprise at what had fallen from the hon. Member who had spoken second in this debate, and who had said, with great *naïveté*, "What! do you attach so little importance to the light of a religious truth, as to consider it possible that any pastor of a Christian church could have his mind influenced at such a moment by any fleeting temporal concerns?" Now, with all deference to that hon. Member, he must say, that the hon. Member could not value more highly than he did everything that related to spiritual concerns, but that man must know little of human nature who did not know that even when the heart was elevated to the highest thoughts, it might be diverted from them by a regard for temporal concerns? Did not the hon. Member know, that tithe was a consideration which was sometimes suspected of having affected the thoughts even of the most meritorious churchmen? And had he not heard it stated, that sordid views and grasping bargains had often been mentioned—he did not say justly—as imputations against the clergy, which impeded them in the performance of their duties, and curtailed their proper and legitimate influence over their flocks? He appealed to Gentlemen who lived in the neighbourhood of Church property, and saw it lying sometimes ungranted, and frequently unimproved, because the Church did not afford a proper premium for the labour and capital which might be expended upon it—he appealed, he said, to them whether it would not be a great boon to the country if some mode could be devised of placing such property under better management? Look at ancient times—look at the monastic buildings planted in places which appeared to be thriving and flourishing under their protection. Look, on the other hand, at the desolation which seemed to involve all kinds of property which now belonged to the Church. Did that arise from any superiority of the monastic orders over the clergy of our Church? Far from it. No, it arose from the bad laws which now regulated Church property—from those laws which Government now asked the House to correct. The right hon. Baronet had that night warned them against pursuing any such course. The right hon. Baronet had warned the Members of her Majesty's Government that they were not strong enough to command the carrying of any measures that were injurious to the Church; and in giving that warning he had been cheered loudly by the Friends behind him. He (the Chancellor of the Exchequer) did not regret that cheer; for neither his colleagues nor himself stood there to propose any measure that was injurious to the Church. The hon. Gentlemen who were then cheering might take every precaution that enactments could afford them to prevent her Majesty's Government from carrying such measures. They might exert such powers to the utmost. They would not injure her Majesty's Government by them, for her Majesty's Government would never be parties to any one such injurious measure. No; it might be the policy of hon. Gentlemen opposite to insinuate such intentions against the Government; but those insinuations, or rather those denunciations as to their intentions, were made more readily at festive meetings and in hustings' speeches for party purposes, than on the floor of the House of Commons, where Ministers were present to answer for themselves. He believed, that the hon. Gentlemen who dealt so lavishly in such denunciations did not partake of that overweening confidence which they publicly professed. His reason for entertaining that notion was, that the right hon. Baronet had declared that evening, with an indiscretion which did not naturally belong to him—which was contradicted by the whole previous tenour of his useful and honourable public life—which was contradicted by the declaration which he had publicly made in that House, to the unutterable regret of the party with whom he usually acted, that no Government could be sustained in future except it acted on the principles of the House of Commons which was returned by the Reform Bill—his reason, he repeated, for entertaining that notion was, that the right hon. Baronet, forgetful of his former declaration, had that evening said to his opponents in the Ministry, "You cannot command success for any measure that is injurious to the Church, for there is a party in this House, and a party in the country, and, above all, a party in the House of Lords, which will prevent you." He did not blame the right hon. Baronet for talking of a party in that House, and of a party in the country—for the right hon. Baronet was then speaking of the constituencies which they represented—but he did blame the right hon. Baronet for saying, in the face of the Representatives of the people, with respect to measures which were to be submitted to their consideration, "there is a party in the House of Lords which will prevent you from commanding their success. That was an avowal which he did not think that an hon. Member of such great experience and such general caution would coolly repeat on another occasion. Returning, however, to the immediate question before the House, he would merely remark, that her Majesty's Ministers did not ask the House to do any wrong to the Church; they only asked the House to take the same course with regard to the Church, and the lessee of the Church, as had been resorted to in the best times of Tory Government by a Tory Administration, for the Crown on the one hand, and for the lessees of the Crown on the other. The hon. Gentlemen opposite were in the habit of talking much about Church and State, and, in the well-regulated sense of those words, that was his cry too. But they were in the habit of setting up the Church above the State; for they said, that it was sacrilegious to apply to the Church and to the lands of the Church the same rule which Mr. Pitt had not scrupled to apply to the Crown and to the lessees of the lands of the Crown. Let the House approach this subject with firmness, but with kindness—let us go into the Committee, not for the purpose of supporting the Government, but for the purpose of discovering the truth—of reconciling not antagonist, but conflicting interests—of seeing whether, independently of any question of extinguishing church-rates, they could not improve the condition of the land, and the value of property vested in mines and manufactures, thereby improving the general condition of the people themselves; and of ascertaining whether they could not give to the Church, by an improved management of its property, the means of affording additional religious instruction to the people, as hon. Gentlemen opposite contended, or, as her Majesty's Ministers suggested, the means of restoring peace to the community, and of putting an end to the turmoil and confusion which had so long prevailed on the subject of church-rates. Her Majesty's Ministers proposed this inquiry, not as enemies, but as friends of the Church, in a just and kindly manner. If the facts to be elicited before the Committee should not support him in the assertions which he had advanced that evening, there was an end to the whole of his argument; but if the facts should support his assertions, then, whether hon. Members should or should not be prepared to support the Ministers in their second resolution, great good would be accomplished; for it would soon become apparent that a measure which would add greatly to the peace and comfort of the community would also add greatly to the respectability and wealth of the Church

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 277; Noes 241: Majority 36.

Mr. *Liddell* moved, at the end of the question, to add the words "with a view of applying such amount to the gradual diminution of the evils which flow from the deficiency in the means of religious instruction and pastoral superintendence by Ministers of the Established Church."

Lord *John Russell* said, that it was his intention, after the able speech of his right hon. Friend, the Chancellor of the Exchequer, not to have said one word in reply; but as hon. Gentlemen opposite seemed to think, that the proposed application was a desecration of Church property, and that any surplus could not lawfully be applied to the abolition of church-rates, and as this great principle was directly involved in the Amendment of the hon. Gentleman—an Amendment intended to fetter, not the Committee, but the House itself. He (Lord John Russell) would read a few passages from the speeches of hon. Gentlemen opposite. In the debate on the Church Temporalities Act for Ireland, the noble Lord, the Member for North Lancashire had said, that

"The bishop was entitled to let his land by Act of Parliament. He was sure that the hon. Member would not deny,! that it was from an Act of Parliament that the Church derived its power over these leases, and that the Act enacted, that it should not be lawful for any bishop to grant a lease for more than twenty-one years. It had been said, that this provision was intended to prevent the alienation of the property of the Church; but what had been the practical effect of it? The practical effect had been, that from a remote period the bishops had been in the habit of anticipating the revenues which, in point of right, belonged to their successors."

And the noble Lord had added,

"That this bill proposed to add to the Church the power of granting leases in perpetuity, instead of confining them to grant leases for twenty-one years only. This would be a great advantage to the tenant, as it would enable him to sell his lease in perpetuity; and it was this very property, which was neither the property of the Church nor the tenant in fee, which the Government were now prepared to sell under this Act of Parliament."

So that, according to the noble Lord's statement, leases might be granted in perpetuity, and the increased value was not the property of the Church. And what said the right hon. Baronet, the Member for Tamworth, on the same subject? He said, that

"He did not object to the appropriation of some portion of the revenue of the Church of Ireland to a purpose which he considered to be strictly ecclesiastical, and which, he believed, would tend to increase its utility. He was prepared, and he now only repeated those sentiments which he had expressed in the last Parliament; he was prepared, he repeated, to admit, that he thought that no settlement of the question relating to the Church would succeed, which did not involve an arrangement on the subject of church-cess, and vestry rates."

It may be expedient, or it may not be expedient, continued the noble Lord, it may be wise, or it may not be wise, to apply any portion of the funds arising from the better management of the property of the Church as a substitute for church-rates; but I cannot understand how, after the words which I have read, delivered by the hon. Gentleman opposite, and fully admitting the principle, they can now maintain that those additional funds ought not to be so applied. I have not another word to say.

Sir *Robert Peel*: But I have another word, and I appeal to high authorities—I appeal especially to the authority of the noble Lord himself in the discussion relative to the church-rates in England, which took place, be it remembered, after the precedent which he now says had been set in Ireland. The noble Lord, then

> "Declared that his opinion remained unchanged; and he thought it the duty of the state, by means of church-rates, or of some other public fund, to maintain the buildings set apart for the performance of divine worship in a state of repair."

And, in reply to the hon. Member for Kilkenny, the noble Lord added, that

> "Whatever might be the anxiety of the Dissenters, they could not have been in ignorance or doubt as to the opinions of the Government. Two years ago Lord Althorp brought in a bill on the subject, in which the principle was declared that Church-rates should not be abolished, unless the State provided a substitute. He had never said anything inconsistent with that principle, or at least anything to lead the Dissenters to suppose that Ministers meant to abolish Church-rates without an equivalent." "or that such an equivalent was to be found in the revenues of the Church." "To that principle he had adhered, and to it he intended to adhere. On various occasions he had explained his views to the Dissenters, and they were satisfied that he did not intend to bring forward any bill that would accomplish their wishes."

At the same time that this alteration of Church property is under consideration, we have the report of the Church Commission, signed by the noble Lord, by Lord Melbourne and by Mr. Thomas Spring Rice, in which it is said,

> "One mode of rendering these incomes of the bishops less uncertain, would be to allow the existing leases, both for lives and for terms of years, to expire. But any plan for accomplishing this object must involve the necessity of borrowing money upon the security of the episcopal estates, in order to compensate the bishops for the loss of the fines which accrue to them under the present system, and which form an important part of their incomes. The practical result of such an operation would be to transfer to the parties lending their money that interest in the episcopal estates which is now possessed by the lessees. We are not, therefore, prepared to recommend the adoption of any general measure for allowing the leases for lives and terms of years to expire; although, for the purpose of correcting, in some degree, the inconvenience now arising from the great variations in the annual amount of the episcopal incomes, we recommend that facilities should be afforded for the conversion of leases for lives into leases for terms of years."

And now I have not one word more to say,

The House again divided on the Amendment:—Ayes 254; Noes 265: Majority 11.

List of the AYES.

FIRST DIVISION.

Abercromby, G. R.
Adam, Sir Charles
Ainsworth, P.
Alston, Rowland
Andover, Viscount
Archbold, Robert
Baines, Edward
Ball, N.
Bannerman, Alex.
Barnard, Edward G.
Barron, H.
Barry, G. S.
Beamish, F. B.
Bellew, Rich. M.
Benett, J.
Berkeley, hon. H.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, Martin Jos.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Bowes, John
Brabazon, Lord
Bridgman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Buller, E.
Busfield, William
Byng, George
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Carnac, Sir J.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M. L.
Chester, H.
Chetwynd, Major
Chichester, J. P. B.
Clay, William
Clayton, Sir W.
Clements, Viscount
Clive, Edward Bolton
Collier, John
Collins, W.
Colquhoun, Sir J.
Coote, Sir C.
Craig, W. G.
Crawford, W.
Crompton, Samuel
Curry, William
Dalmeny, Lord
Dashwood, G. H.
Davies, T. H.
Denison, W. J.
Dennistoun, J.
D'Eyncourt, C. T.
Divett, E.
Duckworth, S.
Duff, James
Duke, Sir James
Duncan, Viscount
Duncombe, T.
Dundas, C. W. D.
Dundas, Capt. D.
Dundas, Fred.
Dundas, hon. J. C.
Dundas, hon. T.
Easthorpe, John
Ebrington, Viscount
Eliot, Lord
Elliot, hon. John E.
Erle, William
Etwell, Ralph
Evans, G.
Evans, W.
Fazakerley, J.
Fenton, John
Ferguson, Sir R.
Fergusson, R. C.
Ferguson, Robert
Finch, F.
Fitzgibbon, hon. R.
Fitzroy, Lord C.
Fleetwood, P. H.
Fort, John
Gillon, W Downe
Gordon, Robert
Grattan, J.
Grattan, Henry
Greene, T.
Greenaway, C.
Grey, Sir C. E.
Grey, Sir G.
Grosvenor, Lord R.
Grote, G.
Guest, J.
Hall, B.
Hallyburton, Lord
Handley, Henry
Harcourt, G. G.
Harland, W. Chas.
Hastie, A.
Hawes, B.

Hawkins, J. H.
Hayter, W. G.
Heathcoat, John
Heathcote, G. J.
Heneage, E.
Hill, Lord A. M.
Hindley, C.
Hobhouse, Sir J. C.
Hobhouse, T. B.
Hodges, T. L.
Holland, R.
Horsman, E.
Hoskins, Kedgwin
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hume, J.
Hurst, R. H.
Hutton, R.
Ingham, R.
James, William
Jervis, John
Jervis, S.
Johnson, General
Johnstone, Hope
Kinnaird, hon. A. F.
Knight, H. G.
Labouchere, H.
Lambton, Hedworth
Langdale, hon. C.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord George
Leveson, Lord
Lister, E. C.
Long, W.
Lushington, Dr. S.
Lushington, Charles
Lynch, A. H.
Macleod, R.
Macnamara, Major
Maher, John
Marshall, William
Marsland, Henry
Martin, J.
Maule, hon. Fox
Maule, W. H.
Melgund, Viscount
Mildmay, P. St. John
Milton, Viscount
Moreton, A. H.
Morpeth, Viscount
Morris, David
Murray, rt. hon. J.
Muskett, G. A.
Nagle, Sir R.
O'Brien, Cornelius
O'Brien, W. S.
O'Connell, D.
O'Callaghan, C.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Connell, Maurice
O'Ferrall, R. M.
Ord, W. H.
Paget, Frederick
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Pattison, J.
Pease, J.
Pechell, Captain R.
Pendarves, E. W.
Phillips, Sir R.
Philips, Mark
Philips, G. R.
Phillpotts, John
Pinney, William
Ponsonby, hon. J.
Power, James
Protheroe, E.
Pryme, George
Pryse, Pryse
Pusey, P.
Redington, T. N.
Rice, E. R.
Rice, rt. hon. T. S.
Rich, Henry
Rippon, Cuthbert
Roche, E. B.
Roche, William
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, John
Russell, Lord J.
Russell, Lord
Russell, Lord Chas.
Salwey, Colonel
Sanford, E. A.
Scholefield, Joshua
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheil, Richard L.
Slaney, R. A.
Smith, J. A.
Smith, Robert W.
Somerville, Sir W.
Speirs, Alexander
Spencer, hon. F.
Standish, Charles
Stanley, W. M.
Stanley, W. O.
Stansfield, W. R. C.
Staunton, Sir G.
Stewart, James
Stuart, Lord J.
Stuart, V.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Stile, Sir C.
Talbot, J. Hyacinth
Talfourd, Sergeant
Tancred, H. W.
Thomson, C. P.
Thorneley, Thomas
Troubridge, Sir T.
Turner, E.
Turner, William
Verney, Sir H. Bart.
Vigors, N. A.
Villiers, Charles P.
Vivian, Major
Vivian, J. H.
Vivian, Sir R. H.
Wakley, T.
Walker, C. A.
Walker, Richard
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, J. C.
White, A.
White, Luke
White, Samuel
Wilbraham, G.
Wilde, Sergeant
Wilkins, W.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, G. W.
Worsley, Lord
Wrightson, W.
Wyse, Thomas
Yates, J. A.

TELLERS.

Stanley, E.
Steuart, R.

List of the NOES.

Acland, Sir T.
Acland, T. D.
A'Court, Captain
Adare, Viscount
Alford, Viscount
Alsager, Capt.
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Attwoods, W.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, H. D.
Baker, Edward
Baring, Francis
Baring, W. B.
Barneby, John
Bell, M.
Bethell, R.
Blackstone, W. S.
Blackburne, I.
Blair, James
Blakemore, R.
Blannerhassett, A.
Boldero, Henry G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H. D.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Canning, Sir S.
Cantalupe, Viscount
Castlereagh, Viscount
Chandos, Marq. of
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Cole, A. H.
Cole, Viscount
Colquhoun, J. C.
Compton, H. C.
Conolly, E. M.
Corry, H.
Courtenay, P.
Cresswell, C.
Cripps, J.
Dalrymple, Sir A.
Darby, G.
Darlington, Earl
De Horsey, S. H.
D'Israeli, B.
Dottin Abel Rous
Douglas, Sir C. E.
Douro, Marquess of
Duffield, T.
Dunbar, George
Duncombe, hon. W.
Duncombe, hon. A.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir G. B.
Estcourt, T. G. B.
Estcourt, T. N. S.
Farnham, E. B.
Farrand, R.
Fector, John Minet
Fellowes, E.
Filmer, Sir Edmund
Fleming, John
Foley, Edw. Thomas
Follett, Sir W.
Forester, hon. G.
Fox, G. L.
Freshfield, J.
Gaskell, Jas. Milnes
Gibson, Thomas
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Gore, Ormsby J. R.
Gore, Ormsby, W.
Goulburn, H.
Graham, Sir J.

Granby, Marquess of
Grant, hon. Colonel
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hales, R. B.
Halford, H.
Halse, J.
Hardinge, Sir H.
Hawkes, T.
Hayes, Sir Edm. B.
Heathcote, Sir W.
Hepburn, Sir T. B.
Herbert, hon. Sidney
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Visct.
Hodgson, F.
Hodgson, R.
Hogg, James Weir
Holmes, hon. W. A.
Holmes, Wm.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Ingestre, Viscount
Inglis, Sir R. H.
Irving, John
Jackson, Sergeant
James, Sir W. C.
Jenkins, Richard
Jermyn, Earl of
Jones, John
Jones, Theobald
Kelly, F.
Kemble, H.
Ker, David
Kirk, P.
Knatchbull, Sir Edw.
Knightley, Sir C.
Law, hon. C.
Lefroy, Thomas
Liddell, H. T.
Lincoln, Earl of
Lockhart, A. M.
Lowther, Colonel
Lowther, J. H.
Lucas, Edward
Lygon, General
Mackenzie, T.
Mackenzie, W. E.
Mahon, Viscount
Marsland, T.
Marton, George
Master, T. W. C.
Mathew, G. B.
Maunsell, T. P.
Maxwell, Henry
Meynell, Capt.
Miles, W.
Miles, P. W. S.
Miles, R. M.
Miller, W. Henry
Monypenny, T. G.
Mordaunt, Sir J., bt.
Neeld, John
Nicholl, John
Noel, W. M.
Norreys, Viscount
Northland, Viscount
O'Neill, General
Ossulston, Lord
Owen, Sir John
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, M.
Parker, R. T.
Parker, T. A.
Patten, John Wilson
Peel, rt. hon. Sir R.
Pemberton, Thomas
Perceval, Colonel
Perceval, G. J.
Planta, Joseph
Polhill, Frederick
Pollock, Sir F.
Powell, Colonel
Powerscourt, Viscount
Praed, W. M.
Price, Richard
Pringle, A.
Rae, Sir Wm., bart.
Richards, Richard
Rickford, W.
Rolleston, L.
Rose, Sir George
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, George
St. Paul, H.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Scarlett, hon. R.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, Abel
Smyth, Sir G. H.
Somerset, Lord G.
Stanley, Lord
Stewart, John
Stuart, H.
Stormont, Lord
Sturt, Henry Charles
Sugden, Sir E.
Teignmouth, Lord
Tennent, J. E.
Thompson, Ald.
Thornhill, G.
Trench, Sir Frederick
Trevor, hon. G.
Tyrell, Sir J.
Vere, Sir C. B.
Verner, Colonel
Villiers, Lord
Walsh, Sir John
Welby, G. E.
Whitmore, Thos. C.
Wilbraham, hon. B.
Williams, Robert
Williams, T. P.
Wodehouse, E.
Wood, Colonel T.
Wood, Thomas
Wyndham, W.
Wynn, rt. hon. C. W.
Wynn, Sir W. W.
Yorke, hon. E. T.
Young, Sir W.
Young, J.

TELLERS.

Baring, H. B.
Fremantle, Sir T. W.

Paired off.

FOR.	AGAINST.
Aglionby, Major	Stanley, E.
Anson, Sir G.	Howard, W.
Anson, Col.	Bentinck, Lord G.
Bentinck, Lord W.	Dugdale, W. S.
Brabazon, Sir W.	Vernon, G. H.
Byng, right hon. G.	Peel, John
Bulwer, E. L.	Dick, Q.
Childers, L. W.	Irton, S.
Codrington, Sir E.	Hope, H.
Conyngham, Lord A.	Tollemache, F.
Currie, Raikes	Henniker, Lord
Dunlop, J.	Pigot, —
Edwardes, Col.	Cartwright, W. R.
Ellice, right hon. E.	Broadwood, H.
Ellice, A.	Damer, G. E.
Fitzpatrick, B.	Palmer, G.
Fitzsimon, N.	Dungannon, Visc.
Hecton, C. J.	Mackinnon, W.
Howard, R.	Thomas, Colonel
Jephson, C. D.	Reid, Sir J. R.
Leader, J. T.	Kerrison, Sir E.
Loch, J.	Egerton, Lord F.
Mactaggart, J.	Copeland, Ald.
O'Conor, Don	Campbell, Sir H.
Parnell, Sir H.	Lowther, Viscount
Ponsonby, C.	Chapman, A.
Potter, R.	Fielden, W.
Price, Sir R.	Shirley, E.
Ramsbottom, J.	Harcourt, Bart.
Roche, D.	Bateson, Sir R.
Shelburne, Lord	Maidstone, Visc.
Townley, R. S.	Manners, Lord C.
White, H.	Cooper, E. J.
Wood, M.	Ellis, J.
Woulfe, S.	Litten, J.

SECOND DIVISION.

The following Members voted in the First Division with the Ministers, and in the Second against them.

Coote, Sir C.
Eliot, Lord
Greene, T.
Harcourt, G. G. (Oxfordshire).
Heathcote, G.
Ingham, R.
Johnstone, H.
Knight, G.
Lemon, Sir G.
Long, W.
Pusey, P.
Slaney, R. A.
Verney, Sir H.
Wall, C. B.

Left the House after the First Division.

Acland, T. D.
Glynne, Sir S.
Williams, R. (Dorsetshire).

As these additions supply all the information which could be obtained by repeating the whole of the lists on the second division we suppress them.

HOUSE OF LORDS,

Friday, May 4, 1838.

Minutes.] Petitions presented. By the Earl of **Wicklow**, from Clonard and a place in Donegal, against the Poor-law Bill for Ireland.—By the Marquess of **Clanricarde**, several petitions, by Lord **Denman**, from Woking, by the Earl of **Camperdown**, from Southampton and Wolverhampton, by Lord **Dundas**, from a parish in Yorkshire, by the Earl of **Yarborough**, from Newport and Barton, and by the Marquess of **Sligo**, from Clapham, Godalming, Dungannon, Dromore, and Malling, for the Abolition of Negro Apprenticeship.—By Earl **Stanhope**, from Appleby, St. Paul (Deptford), and from Sheriff-hill, for the repeal of the New Poor-law Act.—By Lord **Redesdale**, from the guardians of the Witney Union, that no alteration might take place in the Act.—By the Marquess of **Londonderry**, from Londonderry, against the present system of National Education in Ireland.—By Viscount **Melbourne**, from Perth, Elgin, Dundee, and Dumfries, against any further grant of public money to the Church of Scotland; also from Ballymoney, and various other places in the county of Cork, praying for the settlement of the Tithe question.

Poor-Laws (Ireland).] The Earl of *Wicklow* presented a petition from the county of Wicklow, agreed to at a meeting duly convened by the high sheriff, and attended by persons of all persuasions and parties in that county. The petitioners prayed their Lordships not to pass the Irish Poor Relief Bill. They stated, "that in adopting the workhouse system, the peculiar circumstances of Ireland had been overlooked; they objected to placing large masses of the population in a state of restraint, and they expressed their hostility to the powers proposed to be granted to the Commissioners, which, in their opinion, were much greater than ought to be intrusted to any body of men.." He believed, that petitions of a similar nature would emanate from all the counties and from all parties in Ireland. He never recollected a measure against which there appeared such unanimity amongst all classes as prevailed with respect to this bill. But, at the same time, he must say, that there was so decided an opinion amongst all classes of people in the United Empire, that the period had arrived when some provision ought to be made for the Irish poor, that he thought it would not be right in that House to reject this measure, unless their Lordships were prepared to propose some substitute for the consideration of Parliament. Having paid more attention to this subject than he had ever bestowed on any other question, he must say, that the more he considered it, the more difficult he found it; and as, on his own part, he was bound to state, that he had no substitute to propose, therefore, he felt that he should not be justified in giving his opposition to this bill. In Committee, it would, no doubt, receive many improvements; and its second reading should receive his support.

The Marquess of *Lansdowne* had petitions to present from the grand juries of the King's County and the county of Westmeath, in favour of the principle of the bill.

The Marquess of *Clanricarde* said, that as the opinion of the Irish grand juries on this subject was of so much importance, he wished the petitions to be read at length, in order that their Lordships might know what that opinion really was, and whether, in point of fact, they supported the principle of this measure. The principle of the bill, he contended, was the applying of the workhouse system to able-bodied paupers in Ireland; and he believed those petitions were against that principle.

The Marquess of *Londonderry* agreed in what had fallen from the noble Marquess (Clanricarde), as to the principle of this measure. He was astonished that the Government should, on this subject, go against the opinion of Mr. O'Connell, and yet take his advice in every other matter connected with his unfortunate country. The principle of the bill was most fallacious, and the measure would prove a curse to the country.

Petitions read and laid on the table.

Doctor M'Hale.] Viscount *Lorton:* My Lords, in consequence of the question, I considered it my duty to propose to the noble Viscount at the head of her Majesty's Government, previously to the adjournment for the recess, I must now revert to the subject, and in very few words allude to the series of letters addressed to a noble Lord holding a high official situation. My Lords, when your Lordships are aware of, and consider the spirit in which these most instructive epistles are indited—I say, most instructive, because they throw considerable light on the state of affairs, plainly developing the objects and designs of a certain class of her Majesty's subjects, thus clearly pointing out, though unintentionally, the best mode to be adopted for the safety and integrity of the British constitution; and also because they show the contempt and dissatisfaction they express as to the system of national education conceded in Ireland, to the great injury of the Protestant religion; and, lastly, because they indicate contempt for the Government, by the peculiar selection of an official functionary as a medium for setting the law of the land at defiance—I say, my Lords, when all this is considered, your Lordships must be quite satisfied that any comment upon these letters becomes unnecessary. But, my Lords, as they contain a gross infringement upon the law, they should not be permitted to pass unnoticed, or with impunity, for, my Lords, to the overbearing, tyrannical, bigoted, and implacable conduct of the clergy of the Church of Rome may be attributed the barbarous condition of at least three provinces in Ireland, and, if not decidedly opposed by Parliament, will ever render that portion of the empire a perfect scene of desolation; and here I must assure your Lordships, notwithstanding anything that may have been said or insinuated to the contrary, that there would be no difficulty in keeping those persons quite within the sphere of their clerical duties, and thus, by acting with common firmness and equity, the poor Protestant, as well as the Roman Catholic, would be relieved from the most dire oppression. My Lords, I feel, perhaps, the degraded and very deplorable state of Ireland the more keenly and bitterly, from having had four highly respectable and inoffensive Protestant tenants basely and brutally murdered, and others severely injured, within a short space of time. As yet, no convictions have taken place, and I am apprehensive that none will, in consequence of the diabolical and tremendous combination that pervades the land, proving, that no justice can be had in Ireland through the instrumentality of the common law. My Lords, having now taken a very cursory but correct view of affairs in Ireland, I shall not further encroach upon your Lordships' time, but as some noble Lords may be now assembled who were not present when this subject was first touched upon, I shall request permission to read that clause in the Roman Catholic Emancipation Bill which was enacted as a guard against the assumption of titles belonging to the Church of England by priests of the Church of Rome. The noble Viscount having read the clause: [see *ante*, p. 542.] Now, my Lords, the question which the noble Viscount is requested to give an answer to, and I trust it may be a satisfactory reply to the loyal Protestants of this great empire, is, whether any steps have been taken, or are to be taken, in consequence of a clergyman of the church of Rome having assumed the high rank and title of an archbishop of the united Church of England and Ireland, by affixing the name of John Tuam in concluding certain inflammatory letters addressed to one of her Majesties principal Secretaries of State. Before sitting down, I must beg to assure the House, that it is without any party feeling whatever I have stood forward.

Viscount *Melbourne*, in answer to the question put by the noble Lord, begged leave to say, that for several reasons which he did not think it prudent to particularise, but in all of which he concurred, her Majesty's Government in Ireland did not think it expedient to institute a prosecution in the case which had been mentioned as coming under the clause of the Act of Parliament which had been referred to.

The Earl of *Wicklow* said, that the answer which they had just heard given by the noble Viscount was, in his opinion, one of the most discreditable that he had ever heard fall from any noble Lord in that House. The noble Viscount knew that the law had been violated, he had heard the clause in the Act of Parliament read, and yet, for reasons which the noble Viscount would not condescend to make known to their Lordships, it appeared that he, a minister of the Crown, was prepared to sanction a breach of the law. This, indeed, was fine encouragement for breaches of the law in Ireland. He believed, that the individual who had been referred to, took his course for the purpose of provoking a prosecution against him. Now, it was not befitting in Ministers of the Crown to enter into the motives of any individual whatever; but if there was a breach of the law, it was their duty to take care to have the violator of the law punished. It was their duty to see the law carried into efftct. They had heard of the extraordinary violations of the law which were perpetrated in Ireland—they had been even told by the noble Viscount who had asked the question, that some of his tenantry had been butchered without there being the least probability of any of the guilty parties being brought to conviction. It was in such a state of things that they were told by the noble Viscount, in the face of the House, that he was prepared to sanction a breach of the law. That he must repeat, was highly discreditable to the noble Viscount.

The Marquess of *Clanricarde* must say, though there was no occasion for going into the subject-matter of the present discussion, that his opinion was exactly the reverse of that which had just been expressed by the noble Earl. Whether he regarded the conduct pursued by the noble Viscount in that House as a peer, or as a Minister of the Crown, he could not but look upon the answer given as a most wise and a most discreet answer to the noble Viscount opposite who had indulged his curiosity. If the noble Earl entertained the opinions which he had just expressed, instead, then, of confining himself to such a strong, such a forcible, but not a reasonable, mode of language, what the noble Earl ought to do, what could not but be regarded as the wisest course for the noble Earl to pursue, would be to submit a distinct motion on the subject, so as to bring under their Lordships' consideration the whole bearing of the case. He had not the least doubt but that the Irish government had exercised equal discretion and judgment in this matter. A government prosecution ought not lightly to be instituted; but if the noble Earl and others felt so strongly in this matter, it was open to them, as well as to the Government to institute a prosecution. He believed, there was nothing in the act to prohibit the noble Earl from prosecuting Dr. M'Hale. The effect of a prosecution by them would be the same as far as the right rev. Prelate was concerned, who had notoriously violated the Act of Parliament, but the effect upon the country would be very different. The effect of a government prosecution might be a very serious matter, It was not fair to say, that a government sanctioned a breach of the law because it did not think it prudent, proper, or necessary to institute a prosecution for a particular offence. They were aware, that former breaches of the law had taken place in former times, under other governments, and yet those governments, most wisely, in his opinion, had abstained from prosecutions. Was it not, he asked, perfectly plain to every person who read the letters of the right rev. Prelate who had been referred to, that nothing would be so gratifying to him as a prosecution in the way now asked for, and it would, too, be far more profitable to him than the infliction of the fine of 50*l.* could be injurious. He thought, that the noble Earl, before he had uttered so violent a reprehension of the noble Viscount's answer, should have shown that some good was to be attained from the prosecution of the person alluded to. There was no doubt that there had been a most flagrant breach of the statute, that was perfectly useless, too, for sustaining the doctrines and opinions of Dr. M'Hale. It was a different thing, however, to entertain an opinion of his conduct, and to censure the Government for not instituting a prosecution against him, and to charge them for this with a neglect of their duty, and to call down upon them the vengeance of Parliament. He thought that the judgment exercised by his noble Friend at the head of the Government in Ireland, was a most sound one; and the noble Earl, instead of merely expressing strong opinions, ought to bring forward a distinct motion, censuring his noble Friend. If the noble Earl did so, he did not entertain the slightest doubt but that their Lordships would coincide with him in thinking, that the course pursued, which was now so much censured, had been most wise and judicious.

Viscount *Lorton* observed, that the noble Marquess coincided with the noble Earl in thinking, that the course pursued by Dr. M'Hale was a violation of the statute. The noble Marquess, however, was mistaken in supposing that it was a matter of curiosity which had induced him to put the question to the noble Viscount. He denied it; nor was the question put in any party spirit. He hoped he was as far from curiosity as the noble Marquess, and that the noble Marquess felt as free from party spirit as he did at that moment. He should be exceedingly sorry to put such a question in any party spirit; but as the noble Marquess had recommended his bringing forward a motion, he could only say, that when he had consulted with some of his noble Friends he should have no objection to bring forward such a motion He thought, that this was a matter which ought not to be permitted to pass. Perhaps, in the next session, they would have the Archbishop of Tuam endeavouring to take his seat on the opposite benches. How were their Lordships to know "Poer Tuam" from "John Tuam"? "Poer Tuam" was the legitimate archbishop, and yet "John Tuam" might be trying to make his way into that House.

The Earl of *Winchilsea* regarded it as the duty of the Government to see that the law was properly enforced. If the noble Viscount disapproved of the Act, why did he not seek to have it repealed? The breach of the Act had been committed in a correspondence with the Minister of the Crown. The individual committed the breach of the law in corresponding with the Government. Now, the Government ought to deal out even-handed justice to all parties. Strong laws had been passed against the expression of Protestant feeling, and in some instances those laws had been rigidly enforced. They ought to be enforced with equal rigour against Dr. M'Hale. He fully participated in the feelings which had been expressed by the noble Earl.

Viscount *Melbourne* observed, that the noble Earl had said, that he did not condescend to tell them his reasons for the course he had adopted. Now, he begged to ask their Lordships, whether he had said anything which justified that language? He had said, that there were "reasons which he did not think it prudent to particularise," and noble Lords must recollect, that these questions were only asked and answered, not as a matter of right, but of courtesy, and for the general convenience of business. It was not usual, nor was it necessary, to enter into general reasons or arguments, nor indeed to do more than distinctly and clearly to answer the questions which were put. The noble Lord who had spoken last said, it was the duty of the Government to enforce every statute or to move for their repeal. That, in his opinion, was not the case. It was not the duty of the Government to enforce every Act of Parliament, nor could any such doctrine be held or maintained. He would suggest to the noble Lord, that it was at all times to be considered, whether prosecution would be prudent? He had the strongest reason for believing, that it would have been imprudent. He begged of the noble Lord to consider, whether they ought not to inquire a little whether that which had been assumed in the whole course of the debate could be proved, whether or not there had been a breach of the Act of Parliament, they were to recollect, that it was a penal Act of Parliament, and must, therefore, be most carefully and strictly construed.

The Earl of *Wicklow* said, that if the noble Viscount had given that reason which he now urged, he should not have made any observation upon it. He did not, however, see how it was possible to think that the Act had not been violated. If the noble Viscount had said, that he had a doubt whether the Act had been violated, then he should have been perfectly satisfied; but then he found that the noble Viscount had first admitted, that the law had been violated, and then added, that for reasons which he did not think it prudent or necessary to mention, it was not the intention of the Government to prosecute for the violation of the law. Such a declaration and such an avowal drew from him the expression of his surprise, especially when they came from the noble Viscount. From what had taken place now, her Majesty's Ministers sanctioning a breach of the Act of Parliament, he was prepared to expect, that henceforth all the prelates in Ireland who had abstained from the violation of the Act, would sign their names with the same titles they had used before the passing of the Act. They would have the prelates in Ireland assuming titles which did not belong to them.

The Duke of *Wellington* considered, that very great inconvenience arose from these incidental discussions, by asking questions when no notice had been given. If noble Lords had notice, they could, by looking to the Act of Parliament and seeing what was the bearing and what the effect of the clause, before they came to a discussion, be able to form a judgment upon it. He must say, that he thought the noble Earl had put a construction upon what had fallen from the noble Viscount which was not exactly fair. The noble Viscount had stated positively, that the person in question had been guilty of a breach of the law, in the first instance, and he understood him, in the second instance, to say, that the law was a penal statute, and that it must be construed strictly. It was then to be remembered, that in directing a prosecution they were to consider, whether or not there was sufficient proof to convict a person who might be supposed to be guilty of a breach of this statute. That was what he understood the noble Viscount to have stated. As well as he recollected the statute, the prosecution must be a Government prosecution. It was not in the power of any individual to prosecute; it must be the Attorney-General. He would not find fault with the decision which had been come to by the noble Viscount, not to order a prosecution, until he was quite clear of having proofs, so as that a conviction might be brought home to the person prosecuted. He must say, that there was no very great reason to be dissatisfied with the noble Viscount for this; but he must protest against the House being brought into discussions of this description.

The Earl of *Wicklow* said, that the noble Duke had confounded the two answers given by the noble Viscount, he had mixed the first and second together. If the noble Viscount had said on the first, that which he declared on the second, he should have made no observation. In his first answer he had said nothing about the difficulty of a prosecution—if the noble Viscount had done so, he should not have said a word; the observations he had made were called forth by the tone and manner of the noble Visount.

Viscount *Melbourne* had said, that there were reasons which he did not think it prudent to particularise, but in which he conconcurred with the Irish Government in not thinking it expedient to institute a prosecution under the clause of the Act of Parliament which had been referred to. He now added, that there was not such proof of the signature as to bring it distinctly under the Act of Parliament.

Subject dropped.

HOUSE OF COMMONS,

Friday, May 4 1838

MINUTES.] Bills. Read a first time:—Freemen's Admission.—Read a second time:—Registration of Voters.

Petitions presented. By Lord C. RUSSELL, from Bedford, by Lord WORSLEY, from a place in Lincolnshire, by Lord LOWTHER, two from the county of Westmoreland, by Mr. JAMES, several from places in Cumberland, by Captain WINNINGTON, from a place in Worcestershire, by Mr. O. GORE, jun., from Caernarvonshire, by Sir. G. STRICKLAND, from Doncaster, Kendall, Dent, and another place in Northumberland, by Sir R. PHILIPPS, from Haverfordwest, by Lord DUNCAN, from Southampton, by Mr. ROUND, from Halstead, by Mr. CHRISTOPHER, several from places in Lincolnshire, by Sir R. FERGUSON, from Londonderry, by Mr. PEASE, from Stockton-on-Tees, Wellington (Shropshire), Tynemouth, Burton, Kendal, and other places in Northumberland and Westmorland, and by Mr. Sergeant JACKSON, from the Baptists' Society at Dublin, from the city of Armagh, and from the Hibernian Anti-slavery Society, against the West-India Apprenticeship system.—By Mr. Sergeant JACKSON, also, from three parishes in Cork, three parishes in the north of Ireland, and from a place in Queen's county, against the present system of Education in Ireland.—By Mr. ROUND, from the Agricultural Association of Colchester, and by Mr. CHRISTOPHER, from Shrewsbury, against the Bill for grinding bonded corn for Exportation.—By Mr. E. TENNENT, from the Chamber of Commerce at Belfast, in favour of the Bill.—By Lord DARLINGTON, from a place in Wilts, and by Mr. CHRISTOPHER, several petitions from Lincolnshire, to appropriate Church property to Ecclesiastical purposes.—By Lord LOWTHER, from the merchants, bankers, and others of Belfast, by Mr. SCHOLEFIELD, from Birmingham, and by Mr. PHILLIPS, from the Chamber of Commerce at Manchester, against the present rates of postage.—By Mr. BETHELL, from the East Riding of Yorkshire, for the repeal of certain provisions in the Marriage and Registration Acts.—By Captain GORDON, from certain parties personally interested in the subject, and by Mr. KINNAIRD, from the provost, mayor, and town-council of Perth, for alterations in the Prison (Scotland) Bill.—By Lord SANDON, from the booksellers, printers, and others at Liverpool, by Sir J. TYRRELL, from Colchester, and by Mr. HAWES, from the compositors and pressmen at Messrs. Clowes's office, against the Copyright Bill.—By Mr. SHAW, from the Corporation of Dublin, complaining that the Royal Hospital of Kilmainham was not carried on on its former footing.—By Captain PECHELL, from an individual of the name of Dalrymple, at Brighton, complaining of the aggressions of the French Fishermen against the English Fishermen on the coast of Sussex.—By Mr. HEATHCOTE, in favour of the Bill for rating Small Tenements.—By Mr. GRIMSDITCH, from the Medical Practitioners of Macclesfield, against the Apothecaries Act.—By Captain MEYNELL, from Lisburne, against the Poor-law (Ireland) Bill.

PLURALITIES.] On the Order of the day for the House resolving itself into a Committee on the Benefices' Plurality Bill having been read,

Mr. *Hume*, before the Speaker left the chair, was anxious to state his reasons why he objected to this bill, as it at present stood, and at the same time to move an instruction to the Committee to provide against the appointment in plurality to any person holding any benefice or cathedral preferment. The declared object of the reform which the noble Lord had proposed was, to correct the abuses of the Church, but this bill would not have the effect which every man was anxious to see—namely, an efficient reform of that Establishment. He was satisfied that the Report of the Commissioners of Church Inquiry was, in a great degree, a delusion; for, whilst they held out hopes of a correction of the abuses of non-residence, they proposed only such alterations as would continue the very abuses complained of for a still longer term. He believed, that it was in the power of the Legislature to make such an efficient reform as would furnish the means of obtaining additional religious instruction, of the want of which the House had lately heard so much complaint from hon. Members opposite. Last night, when the noble Lord, her Majesty's Secretary of State, moved for a Committee of Inquiry into the management of Church property, the proposal had been met by an amendment to give special instructions to the Committee to confine the surplus to pay for an increase of religious instruction. The object of those who considered themselves sincere friends of the Church, and who, though they might be friends of an establishment, were not friends of the Establishment as now maintained, was to increase the means of religious instruction of the people, and if this were really the object, he (Mr. Hume) would show, that Parliament ought to take the management of the property of the Church out of the hands of the clergy, who had hitherto been intrusted with the sole management, and had but very inadequately attended to the trust reposed in them. They, as trustees, did not apply the funds of the Church to the objects which they sought, or rather he would say, had not in reality sought, but pretended to seek. The great evils of the present Establishment were Pluralities and the Non-residence of the Clergy, and great inequality of stipends, producing in reality a sinecure Church in many instances. He thought, that every man should agree with him in thinking, that every clergyman should be resident in the parish, and should attend to the discharge of the important duties which were required of him, and that he should be adequately paid for the same. Now, he did not propose to meddle with existing interests, but as the absence of sufficient means for religious instruction, and the want of money to support the fabrics of the churches, were assigned as reasons why the Dissenters should continue to be burthened with the payment of church-rates, this discussion became, in fact, part of the church-rate question, and he would endeavour to show how a remedy might be applied so as to dispense with the call of church-rates. To him (Mr. Hume) as an individual, the remedy might appear to be somewhat tedious, but it would ultimately be effectual, and would, in point of fact, be short as regarded the Church; because what was long in the life of an individual, was short in the history of a nation. He would prove his case by a reference to parliamentary documents which had been laid on the Table of the House, and were in the hands of every Member. In the parliamentary paper of last Session No. 260 of 1837, he found, that the total number of benefices was 10,571; of that number the incumbents were non-resident in 5,425 cases, and the total number of resident clergy was 5,146. The parliamentary paper was very curious, and every Member ought to study it well. He held in his hand an extract from it, which he would refer to. There were non-residents by exemptions, or, in other words, a privilege granted to the incumbents to take the public money without doing any duty in 2,255 cases, and in some dioceses to the number of 325; there were licensed non-residents 1,704; there were also from vacancies, suspensions, sinecures and suspensions 450 absent from duty; and there were 1,016 absent, without licence or exemption, making together of 5,425 non-residents in the number of 10,571 benefices; and thus, notwithstanding the large amount paidto bishops to see that the duties were properly discharged, there were no less than ten per cent. of the whole number, or twenty per cent. on the number of resident clergymen, who were allowed to neglect their duties without licence or excuse! It would be very unfair, however, if he did not state, that, out of the whole number of non-residents, there was a certain number who did duty in the respective parishes in which they lived. That number amounted to 1,646; and, if this were added to the former number of 5,146, it would be found that the total number of resident clergymen doing religious duty in some places, was only 6,792, out of the full number of 10,571.* But what was the reason why all the clergy did not discharge their duty? He knew that it would be said, that it was because in certain places the incumbents' incomes were too small; but, before he gave his own statement, in contradiction to this assertion, he would refer to an authority which was not to be doubted, to the authority of a noble Lord, the father of a noble Lord whom he then saw in his place (Lord Sandon). Twenty-seven years ago the Earl of Harrowby had introduced a bill to remedy the gross abuses which were admitted then to exist with respect to the pay of the curates, which he considered quite insufficient to supply the wants of the incumbents. Lord Harrowby, in introducing that bill, had said, "That unless prompt and efficacious remedies were applied, we were tending towards the most alarming of all situations, in which the religion of the Established Church would not be the religion of the majority of the people, it was, therefore," said his Lordship, "one of the most pressing duties of the Legislature to give the subject full and deliberate consideration." namely—to provide some remedy for non-residence and pluralities. And he (Mr. Hume) believed, that if what had been recommended by that noble Lord had been adopted, the state of the Church would be far different from what it was at present; that instead of finding upwards of 5,425 non-resident clergymen there would not have been 2,000, and that the state of dissent would not be what it now was in this country. The Dissenters were called upon to pay to support the fabrics of the Established Church, when, if her interests had been properly guarded by those who were bound to take charge of them, there would not be that necessity, nor would there now be that want of church room and of spiritual instruction of which hon. Gentlemen opposite so loudly complained. If the guardians of the Church really wished that the Established Church should be the Church of the majority of the people, they would have increased the church accommodation in proportion to the addition made to the numbers of the population, and they might have done so by abolishing sinecures and equalising incomes. In 1812 the population of England and Wales was, in round numbers, 10,300,000; and this year it ought in round numbers to be reckoned at 15,000,000. There had thus been an increase of 4,700,000 in the population, but during the whole of the period which had elapsed since 1812, additional church accommodation was provided only to about one-fifth of the increase, leaving a deficiency of church accommodation of about two millions and a half. It was through the negligence of the clergy of the Church, therefore, that dissent had increased. It was not proper or consistent with the practice in other cases, that persons who had only a life interest, and were not interested in the reversion, should have the sole management of the property of the Church; in the reversion the public had an interest, and the public, therefore, have a right to see that it was not misapplied. Hence it was, that he hailed with pleasure the measure proposed by the noble Lord with respect to Church property; that an inquiry should be instituted not only to ascertain the actual amount of the property of the Church in aggregate, and also in detail; so that if abuses had existed in past time, and as they still continued, we ought to set about applying a remedy to them for the future. Under the present system good management was not to be expected, but as the want of religious instruction had been held up as a reason for charging the Dissenters with the payment of church-rates, he was particularly anxious that every inquiry should be made into the value of the Church property and into its distribution. In 1812 the number of livings in the Established Church was the same as they were now, but in 1812 there were only 4,302 places for dissenting worship, whilst in January, 1836, the number of dissenting chapels had increased to 8,490, of which 197 were Presbyterians, 1,850 were Independents, 1,250 were Baptists, Wesleyans and others, making an increase of dissenting places of worship nearly double of what existed at the time when the Earl of Harrowby suggested his amendments. In some places dissent had

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* See Table in following page.

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* ABSTRACT OF PARLIAMENTARY RETURNS (No 260, of 1837), SHOWING THE RESIDENTS OF CLERGY IN THE TWENTY-SIX DIOCESES IN ENGLAND AND WALES.

RESIDENTS.	St. Asaph.	Bangor.	Bath & Wells.	Bristol.	Canterbury.	Carlisle.	Chester.	Chichester.	St. David's.	Durham.	Ely.	Exeter.	Gloucester.	Hereford.	Lichfield and Coventry.	Lincoln.	Landaff.	London.	Norwich.	Oxford.	Peterbro'.	Rochester.	Salisbury.	Winchester.	Worcester.	York.	Totals of each Class.	Total number of Benefices.
In the Parsonage House	79	41	176	114	140	60	256	117	74	93	49	308	113	99	215	512	41	286	369	83	153	42	183	176	111	322	4212	
In the parish within two miles of the Church or Chapel, there being no Parsonage House	13	18	23	12	22	14	186	13	77	23	7	56	24	19	74	45	25	39	58	16	6	8	16	46	6	88	934	
Total Residents . . .	92	59	199	126	162	74	442	130	151	116	56	364	137	118	289	557	66	325	427	99	159	50	199	222	117	410	••	5,146
NON RESIDENTS.																												
By Exemption.	23	23	110	60	78	26	80	61	111	21	46	106	61	79	99	325	55	120	264	55	52	20	86	55	40	199	2255	
By Licence	7	38	29	32	78	19	48	39	52	19	18	77	61	67	62	263	29	109	300	20	51	14	66	56	25	125	1704	
Sinecures, Vacancies, Suspensions, &c.	—	2	44	12	12	2	12	14	18	11	12	23	1	30	60	49	12	11	26	16	24	6	13	14	8	18	450	
Without Licence or Exemption	10	6	58	22	8	10	52	19	128	21	18	66	24	28	121	73	31	26	53	15	18	8	36	53	30	82	1016	
Total Non Residents . . .	40	69	241	126	176	57	192	133	309	72	94	272	147	204	342	710	127	266	643	106	145	48	201	178	103	424	••	5425
Total number of Benefices in each Diocese	132	128	440	252	338	131	634	263	460	188	150	636	284	322	631	1267	193	591	1070	205	304	98	400	400	220	834	••	10,571

Council Office, 28th April, 1837.

(Signed) E. VILLIERS,
Receiver of Diocesan Returns made to his Majesty in Council.

made surprising progress; and the inability of the clergy of the Church of England to teach or preach in Welsh will account for the very great increase of dissent in North and South Wales. He held in his hand a return of dissenting chapels in Wales, and it was curious to mark their rapid and progressive increase in numbers. In 1715, when the Church revenues in Wales were the same as at present, there were only thirty-five dissenting chapels in the whole of Wales. In the year 1810 they had increased to 954, but in 1832 they amounted to 1,428. There were now 829 places of worship for the Church Establishment in the principality, and though there had been a slight increase since 1715, the number might, for convenience sake, be taken to have been the same at that period, so that whilst the number of churches was, in 1715, 829, and the number of dissenting chapels was only thirty-five, there were now 829 churches to 1,428 dissenting places of worship.* And here he might briefly observe on the opinions of an eminent member of the Church of Scotland, and who had been lately delivering lectures in this metropolis on the necessity for an Established Church, to promote religion amongst the people. That eminent divine had said, that the intensity of desire and demand of man for religious instruction was not like his desires for other exigencies, and he had argued that it was, therefore, necessary to force the desire for religious instruction by means of an establishment. Now, he denied the fact; the whole history of man, even in the rudest state of civilization, showed that he would pay attention to religious observances of some kind or another, and he believed, that the desire was shown as much when there was no State establishment as when one existed. Dr. Chalmers was a friend of free trade in everything except in his own profession; he was in this respect much like those other Gentlemen who could see great good in free trade in every thing except in their own line, he was a friend to free trade generally, but a free trade in religion he held not to be good. But, he would ask, was non-residence and pluralities a complaint of a recent date. He was not able to cite an older authority in this respect than was contained in the second epistle of St. Paul to the Thessalonians, chapter 3, verse 10, where St. Paul thus writes: "For even when we were with you, this we commanded you, that if any would not work, neither should he eat." And he thought that the clergy ought not to receive their pay unless, according to this authority, they worked. In short, that all sinecures should cease. He believed, that the Church of England, as the true Church, adopted that epistle of St. Paul as their rule of conduct, and they ought, therefore, to attend to him when he guarded even the Thessalonians against this evil. On this ground it was that he (Mr. Hume) founded his motion against pluralities. But the clergy were like the rich young man described by St. Matthew, chap. 19, v. 20, who asking, "What lack I yet?" was told, "Go, and sell that thou hast, and give to the poor, and thou shalt have treasure in heaven, and come and follow me: but when the young man heard that saying, he went away sorrowful, for he had great possessions." (v. 22.) So the churchmen, when they were told to give up pluralities for the good of the people and of religion, they went away sorrowful, because, though they professed their desire to afford additional religious instruction, they had got their possessions, and they could not part with them. But if these authorities were too old, he would come to those of a more recent date. Bishop Burnet said,

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* The following extract from Mr. Jones's History of the Church in Wales, which may be relied on as correct, throws light on the text:—"The Church patronage in South Wales is shared between laymen, the Crown, and sinecurists in England and Wales; hence, under the influence of personal friendship or political connexion the parishes are filled with ministers *unsuited* to them. The bishops usually take but very little pains to encourage deserving pastors, and often prefer Englishmen to Welsh benefices. Pluralities and absenteeism exist to a great extent. Thus a very small fund is left for the generality of the clergy, who are reduced to abject poverty. Many of them are obliged to keep farms, situated often in distinct parishes from those which they serve. A great many of them serve two or three places of worship every Sunday; in many churches service is performed only once a day, and that at an inconvenient hour. These abuses exist to a less extent in the southern parts of South Wales; but in Cardiganshire, Radnorshire, and Carmarthenshire, this is the general course of things. Of seventy-one parishes in Cardiganshire (including chapels of ease), not more than *thirty* are held by residents. At the same time the revenues of the Church are squandered in sinecures, which, whatever may be the benefits (real or imaginary) in richer districts, are very unjustifiable under local circumstances.

> "I do not enter on the scandalous practices of non-residence and pluralities which are sheltered by so many colours of law among us; whereas the church of Rome, from whence we had those and many other abuses, has freed herself from this, under which we still labour to our great and just reproach. This is so shameful a profanation of holy things, that it ought to be treated with detestation and horror."

But the abuses had been continued notwithstanding this denunciation, and the clergy were under the same embarrassment as the rich young man; they were too fond of their riches, and thought that they ought not to part with them. Having now shown that there was an authority against pluralities in Scripture, he would proceed to point out their practical evils. In the report of the Ecclesiastical Commission, page 40, he found that the Church of England had thirty-seven bishops, and that the number of benefices, including sinecure rectories, amounted to 10,540; that the aggregate annual income of the Church amounted to 3,197,224*l.*; and that the net income amounted to 3,000,471*l.* But there were also in every parish, so many fees coming to the clergy for Easter offerings, marriages, burials, &c. that he did not hesitate to say that, instead of the income being three millions—taking also into consideration the additional value which each living was now found to possess since the report of the Commissioners, as shown by the returns under the Tithe Commutation Act—the net income of the Established Church was not less than four millions sterling. In addition to this, the return showed, that there were 5,230 curates, and the House would be pleased to observe what the amount of their stipends was, only 424,693*l.* paid to curates, being for one-half the number of churches belonging to the Establishment, the revenue of which was four millions sterling. So that 424,693*l.* only were paid for the discharge of the spiritual duty in one-half of the benefices of the Church Establishment. Was it not, therefore, the abuse and not the want of funds of the Church which really prevented the residence of the clergy and the increase of the religious instruction of the people? The statement he held in his hand of the stipends of these curates would show the small amounts paid to the working clergy, and was well worth the attention of every man who wished to see the labourer paid for his hire. The hon. Member read the following table:—

Abstract of the Stipends of Curates serving Benefices where the Incumbents are Non-Resident—for 1835 (pp. 260 of 1837.)

STIPEND.	No. of Curates.
£10 and under £40	103
40 80	1441
80 100	1075
Under £100	2619
100 160	631
160 200	51
£100 and under £200	682
200 250	27
250 340	5
£200 and under £340	32
There are paid from surplice fees 2; seat rents 2; and 47 receives the whole income of the living	51
No returns from 40; 4 receive no stipend	44
Summary for non-residents	3438
Summary with and for incumbents	1792
Making the total number	5230

as stated by the Ecclesiastical Commission.

There were, however, 178 benefices from which no return was made; and if the value of these benefices, taken on an average of those from which returns had been received, were added to the others, it would increase the means at the disposal of the clergy. He also held in his hand an extract from some returns which showed, that of benefices under the yearly value of 150*l.* there were 2,017; between 150*l.* and 200*l.* there were 730; between 200*l.* and 300*l.* there were 893; and above 300*l.* no less than 1,335. Actually, therefore, there were 2,958 incumbents in the Church of England with incomes scarcely above what was the *minimum* of income received by the Scotch clergy. But what was the division of the property of the Church? First, 70,700*l.* was voted to ten bishops, and that they called a reform; and the House, in its wisdom, had voted 148,400*l.* for the maintenance of the whole of the twenty-eight bishops and archbishops? and this was what was designated an amendment or reform of the Church. Let the House contrast this vast amount with the state of the curates' incomes. Ten bishops had sums varying from 15,000*l.* a-year to 5,200*l.*, others had 5,000*l.*, and some 4,500*l.*, but by the return it appeared that there were 5,230 curates, out of which number 3,438 were resident as curates, performing service in livings where the incumbents were not resident, and would the House believe, that no less than 2,619 of them had incomes less than 100*l.* per annum? It appeared that the incomes of 103 amounted to 10*l.* and were under 40*l.*, 144 had incomes above 40*l.* and under 80*l.*, and 1,075 had incomes varying from 80*l.* to 100*l.* It seemed as if those members of the Church were left to starve who really did the important duty. Of these, only forty-four received the full amount of their stipend. He was told, that many of the livings were so small that it was necessary to have pluralities, but he found, by the Parliamentary return that there was more pluralities among the wealthy than the poorer livings. There were ninety-eight cases of plurality where the incomes of the two livings were under the sums of 50*l.* and 200*l.*; 447 cases between 100*l.* and 200*l.*; 352 cases between 150*l.* and 200*l.*; and 316 where both livings were under 200*l.* each, while of cases of plurality where both the livings were above 200*l.* each there were no fewer than 643. There were, besides, 412 cases in which the plurality was of three livings, fifty-seven of four livings, and three of five livings, making in all 2,268 pluralities. After this statement, it could not be affirmed that the plurality existed principally among the smaller livings. The report of the Ecclesiastical Revenue Commissioners of 1832, states, that 485 clergymen held 1,217 places of preferment, including 1,013 benefices, receiving 654,574*l.* yearly—an amount equal to the sum paid to all the curates in England and Wales. In addition to that large amount, it would be desirable to know, by the return, what were the incomes of the sinecure or non-resident benefices—2,017 were under 150*l.* each; 730 were from 150*l.* to 200*l.* each; 893 from 200*l.* to 300*l.* each; 1,302 above 300*l.* a-year; and thirty-three the value not returned—making 4,975 where the incumbents are non-resident. The enactments in the bill would legalize pluralities, and leave between 3,000 and 4,000 of those existing; and, therefore, must be considered as an inadequate remedy to the evils now existing. Were poverty, the real cause of pluralism and non-residence, the poorest class of livings would be generally held in plurality; but he had already shown by the returns that there were more pluralities in benefices having 400*l.* and upwards. So much for the error in that assertion; and unless the House would abolish pluralities, the abuse would continue, as it appeared by a statement carefully prepared, that in the last two years, although pluralities were unpopular, a large number had been made. There had been 557 presentations to livings, singly, by the Crown, bishops and laymen; and 158 pluralities had been made in the same time, and 139 livings had been given to clergymen holding benefices before, making the number of 297 pluralities created in the last two years. He thought the House should abolish pluralities for the future; and as the livings fell in, the amount of their incomes should be equalized, by adding to the poor livings from those which exceed 400*l.* and 500*l.* a-year, and this sum would be practicable in a few years by the following statement. There are 4,861 livings under 200*l.* a-year; and there are 4,606 parishes, without parsonages. To raise all livings to 200*l.* each, the sum of 407,275*l.* yearly would be required. There are 2,294 livings, having from 400*l.* to 7,306*l.* each, and these would supply 579,700*l.* yearly, for the smaller livings leaving these 2,294 at 400*l.* a-year, for smallest parishes and the larger parishes 500*l.* each. There are 3,281 livings, the incomes of which are between 200*l.* and 400*l.* which might remain as they are. The patronage of the Church is almost one-half in the Crown and bishops, and one-half in laymen; and there would be little difficulty in effecting the equalization if it was thought desirable to do so. He strongly blamed the Government for not having set an example to the Church in the distribution of the Crown presentations. As he found, on reference to *The Gazette*, that within the last two years the Crown had given away no less than forty-nine livings to pluralists, whilst the bishops had given ninety-six, and the deans and chapters forty-eight. By what considerations for the interest of religion and morality, and the welfare of the people had they done so, when they knew the feelings of the people to be adverse to this system? He had hoped to have seen the dignitaries of the Church reform the abuse themselves; but, finding no symptoms of their doing so, it was the duty of the Legislature to interfere and put a stop to the system. The hon. Member concluded by moving, that "it be an instruction to the Committee to provide against the appointment in plurality to any benefice or cathedral preferment from and after the passing of the bill."

Lord *John Russell* said, it was not necessary for him to enter at any length into the question which the hon. Member for Kilkenny had brought before the House, and he believed, that he might leave a considerable part of the speech of his hon. Friend, which was an answer to

Dr. Chalmers, — very properly to Dr. Chalmers. But the latter part of the speech went to the question of the abolition of all pluralities. That question had been gravely considered by the Church Commissioners, and he would presently read the statement which they had made upon this subject. With regard to the residence of the clergy; he thought they should have their residences on their livings, and thus be enabled to attend diligently to the spiritual want of their parishioners. He thought that principle so unobjectionable, that if it were practicable it should be enforced. But the statement to the Commissioners, in reference to the parishes in England, made upon personal inspection, went to show the necessity of not hastily throwing aside pluralities altogether. It appeared that there were in England and Wales 10,200 benefices. Those returns showed, that amongst them there were 297 under *50l.* a-year; 1,629 between *50l.* and *100l.*; and 1,602 between *100l* and *150l.*; so that there were 1,926 benefices under *100l.*, and there were 3,928 under *150l.* The Commissioners stated, that in many of these benefices there was no glebe house, and that they did not afford the means of spiritual instruction, except by introducing the clergyman of the neighbouring parish. The Commissioners recommended, that where pluralities were allowed, they should be restricted to narrow limits. The limits which this bill proposed was within ten miles. It would be for the Committee to decide whether that were a proper restriction; whether it were on too large or too narrow a scale; but he did not think, seeing the smallness of many of these livings, that to abolish pluralities altogether would be wise; nor did he think it was an argument for the abolition, that there might be pluralities attached to considerable livings. The bill proposed to limit that practice within ten miles, but some might think that not sufficient, but he believed, that the feeling of most persons in the House was, that it would not be right to abolish pluralities altogether. He should be glad, indeed, if the time had arrived when the income of each living was sufficient to support its clergyman. He did not see how the remedy was to be applied, unless his hon. Friend contended that it should be done by taking away a portion from each parish. That was to say, supposing a living worth *100l.*, and another of *700l.* fell vacant, he would take away the patronage to make up *400l.* to each. That might be the course which his hon. Friend would think it right to propose; but, for his own part, he could not undertake the charge of a bill framed on these principles, because he thought, that a proposition of that kind must be most injurious and most unpopular. For instance, if the tithes of particular parishes were taken from those parishes and appropriated to other parishes, it would cause great discontent. He knew, that in many instances great objections had been made to the alienation of tithes to the purposes of equalizing livings. For these reasons, without seeing his way clearly as to how he could carry into effect the proposition which the hon. Gentleman had moved, without entering into the general question of pluralities, he should oppose the instruction of his hon. Friend.

Sir *Robert Inglis* said, he had the misfortune, or, as his right hon. Friend behind suggested, the good fortune, of only hearing one part of the speech of the hon. Member for Kilkenny. He would, therefore, confine his reply to that part he had heard. In the first place, the hon. Member had read some returns, and argued that plurality of livings plundered the Church and left the working clergy to starve. Now, he recollected that some time since, when certain returns were ordered in the other House, it appeared that one individual held six livings, the annual income accruing from all of which only amounted to *300l.*, and if that plurality were to be designated as plunder, he had only to remark, that it was so on a very small scale. With respect to the hon. Member's recommendation of raising small livings by taking away from larger, he must remark that such a principle was neither founded on justice nor on law. A patron of a living had as much right to his income as any gentleman to his private property. Perhaps the sale of advowsons was indefensible, but still it was allowed by law, and if he purchased at Garraway's Coffee-house a large advowson at a high price, whilst another purchased a small one for a trifling sum, did it stand to reason, would it be just, that the incomes of each should be equalized? The next observation of the hon. Gentleman to which he wished to recall the attention of the House, was respecting what he was pleased to call the "begging-box," which was sent round to collect alms for the clergy. Was it possible that this remark was applied to the King's letter, or to the Queen's letter—a circular proclaimed one year on behalf of the Society for the Propagation of the Gospel; in another, on behalf of the National Society; and in another year, for the Society for Promoting the Building and Enlarging of Churches? The discussion raised by the hon. Member, ought to have taken place upon the second reading, or on the motion that the Speaker should leave the chair. On a former occasion he had expressed in detail his reasons for opposing the bill. He should for the present content himself with observing, that he was not at all disposed to question the proposition that great advantages would be derived from having in all possible cases a resident clergy. It was equally conceded by parties on both sides of the House, that every clergyman should have a sufficient income. The question then was, could this be considered to be a mode effectual to secure residency in the clergy? He thought it was not such a measure as would effectually secure that desirable object. There was much in the bill which he would not characterize as hostile to the Church, because he did not believe such a spirit actuated the framers of the bill; but there was much in the bill which displayed a suspicion that the great body of the clergy was not prepared to do their duty conscientiously, in respect to residence. The bill evinced a want of confidence in the clergy; accompanied by a desire to vest in the bishops a power which he was not disposed to grant them. In this respect he would observe, that, favourable as he was to general residence, he believed, that constant residence could not be enforced without sacrificing higher objects. For these reasons he should so far give his support to her Majesty's Government as to vote against the instruction moved by the hon. Member for Kilkenny.

Mr. *Hawes* observed, that if curates could perform the duties of a church for a small salary, there was no force in the argument that pluralities were necessary for the incumbents. Church property was only trust property, and if the curates discharged the duties of non-resident rectors and vicars, they had the greatest right to the income of the parish. The Commissioners had admitted the principle of the Amendment of his hon. Friend as to the abolition of pluralities, and Dr. Burton of Oxford had also spoken in its favour. The hon. Baronet opposite (Sir R. Inglis) had observed, that it would have been better if this motion had been brought forward at the time of the second reading of the Bill; but, in his opinion, the House would not have been more disposed then than now to advocate the measure. He thought his hon. Friend had done great service by his Amendment, as the proceedings of that night would tend to show who gave countenance to the present system.

Sir *H. Verney* opposed the motion, but supported the Bill which he considered would prove a great blessing to the country if some of the clauses were rendered more astringent, but that the Amendment would defeat many of its objects, and be productive of great harm to the country.

The House divided on Mr. Hume's motion — Ayes 37; Noes 107: Majority 70.

List of the AYES.

Baines, E.
Blewitt, R. J.
Brotherton, J.
Chalmers, P.
Chapman, Sir M. L. C.
Collier, J.
Duncombe, T.
Ebrington, Viscount
Grattan, H.
Harvey, D. W.
Hector, C. J.
Hindley, C.
Horsman, E.
Humphery, J.
James, W.
Johnson, General
Leader, J. T.
Lushington, C.
Marsland, H.
Muskett, G. A.
O'Brien, W. S.
Pattison, J.
Philips, M.
Rippon, C.
Rundle, J.
Scholefield, J.
Stanley, W. O.
Stansfield, W. R. C.
Strutt, E.
Style, Sir C.
Vigors, N. A.
Villiers, C. P.
Warburton, H.
White, A.
White, S.
Williams, W.
Yates, J. A.

TELLERS.

Hume, J.
Hawes, B.

List of the NOES.

Abercromby, hn. G. R.
Acland, T. D.
Ainsworth, P.
Alsager, Captain
Attwood, T.
Bailey, J., jun.
Baring, H. B.
Baring, hon. W. B.
Bell, M.
Bernal, R.
Barnard, E. G.
Blackburne, I.
Brownrigg, S.
Bruges, W. L. W.
Buller, Sir J. Y.
Busfeild, W.
Canning, rt hn. Sir S.
Chester, H.
Clive, hon. R. H.
Compton, H. C.
Courtenay, P.
Dalmeny, Lord
Dalrymple, Sir A.
Davies, Colonel
Denison, W. J.
Duncombe, hon. W.
Dundas, Captain D.
Egerton, W. T.
Elliot, hon. J. E.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Fergusson, rt. hon. C.
Filmer, Sir E.
Fitzroy, Lord C.
Fremantle, Sir T.
Freshfield, J. W.
Gordon, R.
Goulburn, rt. hon. H.
Greenaway, C.

Grimsditch, T.
Halford, H.
Harcourt, G. S.
Harland, W. C.
Heathcote, Sir W.
Henniker, Lord
Hodgson, R.
Hoskins, K.
Howick, Viscount
Hughes, W. B.
Ingestrie, Viscount
Ingham, R.
Inglis, Sir R. H.
Jackson, Serjeant
Johnstone, H.
Kemble, H.
Kirk, P.
Knight, H. G.
Knightly, Sir C.
Labouchere, rt. hn. H.
Law, hon. C. E.
Lygon, hon. General
Macleod, R.
Mahon, Viscount
Maule, hon. F.
Maunsell, T. P.
Nicholl, J.
O'Ferrall, R. M.
Packe, C. W.
Parker, R. T.
Parnell, rt. hn. Sir H.
Peel, rt. hon. Sir R.
Perceval, Colonel
Perceval, hon. G. J.
Pusey, P.
Rice, rt. hon. T. S.
Rich, H.
Richards, R.
Rolfe, Sir R. M.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Russell, Lord J.
Sandon, Viscount
Sheppard, T.
Sibthorp, Colonel
Sinclair, Sir G.
Somerset, Lord G.
Stanley, E. J.
Stanley, Lord
Stanley, M.
Stewart, J.
Stuart, R.
Sturt, H. C.
Sugden, rt. hn. Sir E.
Teignmouth, Lord
Troubridge, Sir E. T.
Vivian, J. H.
Vivian, rt. hon. Sir R.
Westenra, hon. H. R.
Williams, W. A.
Winnington, T. E.
Wood, C.
Wood, Sir M.
Wood, T.
Worsley, Lord
Young, J.

TELLERS.
Parker, J.
Verney, Sir H.

House in Committee.

Upon the reading of the second Clause, which after limiting the preferments to be held by spiritual persons, provides "that nothing herein contained shall be construed to prevent any archdeacon from holding together with his archdeaconry *two* benefices."

Mr. *Charles Lushington* moved that for the word "two" the word "one" be substituted.

The Committee divided—On the original proposition—Ayes 71; Noes 32: Majority 39.

List of the AYES.

Abercromby, hn. G. R.
Acland, T. D.
Baily, J.
Baring, hon. W. B.
Bennet, J.
Bramston, T. W.
Brodie, W. B.
Bruges, W. H. L.
Busfeild, W.
Campbell, Sir J.
Chester, H.
Chetwynd, Major
Compton, H. C.
Courtenay, P.
Crompton, S.
Dalmeny, Lord
Darby, G.
Dundas, Captain D.
East, J. B.
Egerton, Lord F.
Estcourt, T.
Fergusson, rt. hon. R. C.
Freshfield, J. W.
Gaskell, Jas. Milnes
Goulburn, rt. hon. H.
Greenaway, C.
Grimsditch, T.
Halford, H.
Harcourt, G. S.
Hawkins, J. H.
Heathcote, Sir W.
Hobhouse, T. B.
Hodgson, R.
Hoskins, K.
Hughes, W. B.
Inglis, Sir R. H.
Kemble, H.
Knight, H. G.
Knightley, Sir C.
Law, hon. C. E.
Liddell, hon. H. T.
Mackenzie, W. F.
Macleod, R.
Maule, hon. F.
Morpeth, Viscount
Murray, rt. hon. J. A.
Nicholl, J.
O'Ferrall, R. M.
Parker, J.
Parnell, rt. hn. Sir H.
Pendarves, E. W. W.
Pusey, P.
Rice, rt. hon. T. S.
Rich, H.
Round, C. G.
Russell, Lord J.
Sandon, Viscount
Sibthorp, Colonel
Sinclair, Sir G.
Stanley, E. J.
Stanley, Lord
Stewart, J.
Sugden, rt hn. Sir E.
Teignmouth, Lord
Troubridge, Sir E. T.
Vernon, G. H.
Vivian, J. E.
Williams, W. A.
Winnington, T. E.
Wood, G. W.
Wood, T.

TELLERS.
Solicitor-General
Wood, T.

List of the NOES.

Baines, E.
Bewes, T.
Blewitt, R. J.
Bryan, G.
Bulwer, E. L.
Cayley, E. S.
Collier, J.
Currie, R.
Curry, W.
Evans, W.
Hall, B.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Marshall, W.
Marsland, H.
Pryme, G.
Rice, E. R.
Rippon, C.
Rundle, J.
Salwey, Colonel
Stanley, W. O.
Stansfield, W. R. C.
Strutt, E.
Style, Sir C.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Warburton, H.
Worsley, Lord
Yates, J. A.

TELLERS.
Lushington, C.
Hume, J.

Clause agreed to.

On Clause 3 which enacts that no spiritual person holding any cathedral preferment, and which shall exceed the yearly value of shall accept or take to hold therewith any benefice exceeding the yearly value of *l.*, being read,

Lord *John Russell* moved, that the first blank be filled up with the words one thousand pounds.

Mr. *Hume* opposed the proposition, and suggested that the sum should be 500*l.*

The Committee divided on the original proposition—Ayes 65; Noes 44: Majority 21.

List of the AYES.

Abercromby, hon. G. R.
Acland, T. D.

Bailey, J.
Baring, hon. W. B.
Benett, J.
Bramston, T. W.
Campbell, Sir J.
Chester, H.
Compton, H. C.
Courtenay, P.
Crawford, W.
Dalmeny, Lord
Darby, G.
Dundas, Captain D.
East, J. B.
Egerton, Lord F.
Estcourt, T.
Estcourt, T.
Fergusson, rt. hon. R. C.
Fort, J.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gladstone, W. E.
Goring, H. D.
Goulburn, rt. hon. H.
Greenaway, C.
Grimsditch, T.
Halford, H.
Harcourt, G. S.
Heathcote, Sir W.
Hobhouse, T. B.
Hoskins, K.
Hughes, W. B.
Hurt, F.
Ingham, R.
Inglis, Sir R. H.
Kemble, H.
Knight, H. G.
Knightley, Sir C.
Law, hon. C. E.
Liddell, hon. H. T.
Mackenzie, W. F.
Macleod, R.
Maule, hon. F.
Morpeth, Viscount
Nicholl, J.
O'Ferrall, R. M.
Parker, J.
Parnell, rt. hon. Sir H.
Pendarves, E. W. W.
Pusey, P.
Round, C. G.
Russell, Lord J.
Sandon, Viscount
Sibthorp, Colonel
Sugden, rt. hn. Sir E.
Surrey, Earl of
Teignmouth, Lord
Troubridge, Sir E. T.
Vernon, G. H.
Vivian, J. E.
Winnington, T. E.
Wood, C.
Wood, T.
Worsley, Lord

TELLERS.

Solicitor-General
Rich, H.

List of the NOES.

Barnard, E. G.
Bewes, T. I.
Blewitt, R. J.
Bridgeman, H.
Brodie, W. B.
Brughes, W. H. L.
Bryan, G.
Bulwer, E. L.
Busfield, W.
Collier, J.
Crompton, S.
Currie, R.
Curry, W.
Dennistoun, J.
Evans, W.
Hall, B.
Hawes, B.
Hawkins, J. H.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Humphery, J.
Hutton, R.
Lushington, C.
Marshall, W.
Marsland, H.
O'Connell, J.
Philpotts, J.
Pryme, G.
Rice, E. R.
Rippon, C.
Rundle, J.
Salwey, Colonel
Stanley, W. O.
Stansfield, W. R. C.
Stewart, J.
Strutt, E.
Style, Sir C.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Williams, W.
Williams, W. A.
Wood, G. W.

TELLERS.

Hume, J.
Warburton, H.

Lord *John Russell* then moved that the second blank be filled up with the words five hundred pounds.

Mr. *Hawes* moved as an amendment that the words "exceeding the yearly value of l." be struck out.

Mr. *Hume* thought, it would be a saving of time if the noble Lord would at once state his idea as to what the amount of a cathedral preferment and a benefice together ought to be. According to the present proposition of the noble Lord, that amount was to be 1,500*l.*; would the noble Lord state what he considered ought to be the amount of the two benefices to be held by the same individual?

Lord *John Russell* said, that at present it was provided, that a person holding a benefice of the value of 500*l.* should not hold any other exceeding the value of 500*l.* It had, however, been proposed that, instead of naming the particular value of the two benefices, it should be declared, that the two benefices should not together exceed a particular sum. In that case he should say, that the amount ought to be 1,000*l.* With respect to cathedral preferments, it was to be assumed, that they were bestowed in the shape of rewards on men of merit and distinction in the Church; he, therefore, did not think the sum of 1,500*l.* was an extravagant income for such persons to receive.

Mr. *Hawes* could not agree with the noble Lord in considering that cathedral preferments were always bestowed on men of distinguished talent and learning. On the contrary, he believed, that much of that preferment was given in consideration of family and political connections wholly without reference to desert.

Mr. *Goulburn* agreed with the noble Lord that 1,500*l.* was by no means an extravagant sum to be enjoyed by persons of merit in the Church. If the hon. Member for Lambeth would for a moment call to mind the names of those members of the Church who had been most eminent as divines, and as authors of works for the promotion and diffusion of sound religious truth, he would discover, that they were the very persons who had in general obtained cathedral preferment, at the same time he admitted that there were many persons who had enjoyed such preferment who were not men of distinguished merit.

The Committee divided on the original Motion—Ayes 77; Noes 47: Majority 30.

List of the AYES.

Abercromby, hn. G. R.
Acland, T. D.
Adam, Sir C.
Bailey, J.
Baring, hon. W. B.
Benett, J.
Bolling, W.
Bramston, T. W.
Chapman, A.
Chester, H.
Codrington, Admiral
Cole, Viscount
Compton, H. C.
Courtenay, P.
Crawford, W.
Darby, G.

Dundas, Captain D.
East, J. B.
Egerton, Sir P.
Egerton, Lord F.
Estcourt, T. G. B.
Estcourt, T.
Fergusson, rt. hon. R. C.
Fort, J.
Freshfield, J. W.
Gaskell, Jas. Milne
Gladstone, W. E.
Gordon, R.
Goring, H. D.
Goulburn, rt. hon. H.
Greenaway, C.
Grimsditch, T.
Halford, H.
Harcourt, G. S.
Harland, W. C.
Heathcote, Sir W.
Hill, Lord A. M
Hodgson, R.
Hoskins, K.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Ingham, R.
Inglis, Sir R. H.
Kemble, H.
Knight, H.
Knightley, Sir C.
Labouchere, rt. hn. H.
Law, hon. C. E.
Liddell, hon. H. T.
Mackenzie, W F.
Macleod, R.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Nicholl, J.
O'Ferrall, R. M.
Parker, J.
Parnell, rt. hon. Sir H
Pendarves, E. W. W.
Round, C. G.
Russell, Lord J.
Sandon, Viscount
Sibthorp, Colonel
Sinclair Sir G.
Stuart, V.
Sugden, rt. hn. Sir E.
Surrey, Earl of
Teignmouth, Lord
Troubridge, Sir E. T.
Vernon, G. H.
Vivian, J. E.
Wall, C. B.
Winnington, T. E.
Wood, C.
Wood, G. W.
Wood, T.

TELLERS.
Solicitor-General
Dalmeny, Lord

List of the NOES.

Archbold, R.
Barnard, E. G.
Bewes, T.
Blewitt, R. J.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Bruges, W. H. L.
Bryan, G.
Bulwer, W. L.
Busfield, W.
Collier, J.
Crompton, S.
Curry, W.
Dennistoun, J.
Evans, W.
Hall, B.
Hawkins, J. H.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Hutton, R.
James, W.
Lushington, C.
Marshall, W.
Marsland, H.
Palmer, C. F.
Phillpotts, J.
Pryme, G.
Rice, E. R.
Rippon, C.
Rundle, J.
Salwey, Colonel
Stansfield, W. R. C.
Stewart, J.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Walker, R.
Warburton, H.
Williams, W.
Williams, W. A.
Worsely, Lord
Yates, J. A.

TELLERS.
Hume, J.
Hawes, B.

Clause agreed to.

On Clause 4th, that no clergyman should hold two benefices unless within ten miles of each other,

Mr. *Rippon* proposed, that these words should be inserted:—" Unless the income derived from such second benefice be insufficient to remunerate the services of the officiating minister." The hon. Member then continued: So much virtuous indignation has been at various times poured forth by hon. Gentlemen on both sides of the House against the practice of holding benefices in plurality, that I am desirous now to test the sincerity of those professions. The noble Lord states, that the present position of the Church Establishment does not allow the abolition of pluralities altogether, but, nevertheless, that it is our duty to restrain them as far as may be attainable. Pluralism is an insult to common sense and common justice; a corrupt perversion and appropriation of the Church revenue from the object for which it was assigned; it is vicious in principle and destructive in practice. I maintain, that every parish which furnishes sufficient income for payment of an officiating minister has a right to the services of a resident pastor, who, receiving the emolument of the benefice, personally discharges its duties; who has a fixed, abiding, permanent interest in the welfare of the flock—whose exertions are not limited to the pulpit, to the mere reading of the liturgy, but who, at all times and seasons, tends his charge; who encourages and warns them; animates and consoles them; adjusts their disputes, and aids them by his counsels; in a word, who watches over and advances their temporal and spiritual prosperity. I also maintain, that money drawn from the labour of a parish, should properly be spent within it; and I denounce that shameless practice which this bill, for the first time, proposes to legalise, of permitting a clergyman to take a second living, to become a mere speculator in spiritual service, a contractor for the supply of religious instruction, by means of a mercenary substitute, which he may provide at the lowest price at which such can be obtained in the Church market, pocketing, for the gratification of his own cupidity, the difference in amount between the contract price and the furnished price—between the price received from the parish and the pittance paid to his hireling jobber. What interest can a needy curate have in the welfare of a parish? He is here to-day and there to-morrow, itinerating from cure to cure as the temptation of better wages leads him. How often do we read in the public papers, " Wanted a title for orders, salary no object." Thus clerical labourers are always abundant, generally necessitous and the pluralist will be enabled to fit up and work his pulpits at the least possible expense. The only case in which a plurality can be necessary, even in the existing state of the Church Establishment, is where the revenue of the benefice is insufficient to purchase the services of an officiating minister, and in such case I would propose that such poor living should be appended to a wealthy living, and the excess of the one might eke out and supply the deficiency of the other; but in this case pluralities would be forced upon the clergy—not sought by them as at present. If you examine the present practice, you will find that the smallest livings are not held in plurality—you will find, that the curate who performs the duty of the second living receives only a part of the income, whilst the pluralist preserves the larger portion of the produce of the benefice for his own enrichment. I ask you to affirm this proposition, that the man who personally ministers to the spiritual wants of the people, shall receive the revenue set apart for reward of such service. I remind you that the Legislature, as trustee of Church property, is bound to take care, that the public purpose for which it was assigned—the religious instruction of the people—be fully provided for. Church patronage, like state patronage, is held in trust for public purposes, and is intrusted to private hands only to be employed for the common good; the sole object for which these endowments were made was, the spiritual welfare of society. Presentation is only rightly exercised by regard to the interests of the many, and there is a condition attaching to Church property, that the receiver shall personally afford religious instruction to those who provide his payment. In the olden time, the monks took the country churches and placed curates within them; their plea was hospitality. In our day, those clergy who may be so fortunate as to possess influence or connection, are it seems, to be permitted to continue this odious practice; the excuse will, doubtless, be dignity. Alas! Sir, a selfish pretence is never wanting when profit is to be obtained. There are now above 2,000 curates performing the duties of livings held in plurality; the salaries paid to these substitutes do not amount, on an average, to 80*l.* a-year; and, in almost every case, the curate receives only a portion of the income of the living, while he virtually performs the office of its incumbent. Give to him that which fairly belongs to him, the revenue of the benefice. His necessities are as great, his respectability of equal importance with that of the pluralist. Let him who serves the altar take the gift which is placed upon it for reward of such service. Give to every parish that provides a sufficient income for payment of an officiating minister, its own resident beneficed incumbent. Restrict pluralities as far as you are able; do justice to the people to the utmost of your ability; put an end to this trading in the service of God, this prostitution of his worship to the purposes of gain; eject these money-changers from his temple, and permit not, I pray you, this system of sanctified swindling. Consider the usefulness of the Church rather than the gorgeousness of its Establishment, and regard the interests of society rather than the aggrandisement of the clergy. Let us hear no more of pampered pluralists and starving curates, nor longer witness the splendid mockery of religion, with its lowliest and most abject degradation. I now beg leave to move the Amendment of which I have given notice. I have endeavoured to explain the object I have in view, and to expose the grounds upon which I rest my proposition. I have purposely omitted all personal allusions which might serve to illustrate the abuses of the system of which I complain: it has been my desire to avoid every remark which could by possibility excite an irritated feeling. I call upon the noble Lord who commends this Bill for our adoption to show the injustice, the unreasonableness, or the impracticability of the change I propose. I challenge him to prove, that the interests of religion—the one only object for our regard—would be otherwise than advanced by its adoption. I leave the case in the hands of the House; whatever may be their decision, at least I shall enjoy this satisfaction, that I have endeavoured, to the best of my humble ability, to remove that vile stain which defiles and disgraces our national Church Establishment—the holding of benefices in plurality.

Lord *J. Russell* was surprised, that the hon. Gentleman had allowed that there should be any exception at all to the rule which he seemed disposed to lay down so absolutely, more especially when he called to mind the very vague mode of discriminating adopted by the hon. Gentleman, that the "income should not be insufficient to remunerate the service of the officiating clergyman." He did not think it a just proposition to abolish pluralities altogether, but he would state shortly the objects at present proposed. At present a clergyman could not hold two benefices unless they were within thirty miles of each other, which was interpreted to mean a circle of forty-five statute miles; and within that distance a dispensation of the Archbishop of Canterbury enabled him to hold benefices in plurality. Now it was proposed by the present Bill to reduce the distance from forty-five to ten miles. By this change there must be a very great diminution in the number of benefices so held, and one much greater than in the arithmetical proportion of forty-five to ten, because a circuit of forty-five miles might comprehend many benefices of this description, whereas there must be but very few within one of ten miles. When, therefore, he said that there would be a diminution of one-fourth in the number of pluralities, he was sure he was understating the alteration which must take place. But there would also be the greatest possible difference as to the superintendence of the clergyman. At a distance of forty-five miles it was impossible that such superintendence should be actively carried into operation; but it was perfectly easy, not only according to the authorities of the Church, but according to the opinion of every man of common sense and observation, that a clergyman, with the facilities which now existed of passing from one part of the country to the other, could readily perform the duties of his office. He should not quote authorities, but would refer to one person who, though not a clergyman, was a man of great piety and zeal in the affairs of religion. He alluded to Cowper the poet, who, in his letter to Mr. Unwin, dwelt upon the fact of a benefice being offered to him, and added, that considering he held another it would be considered a plurality, only that the second living was but ten miles from the first, and therefore, in his opinion, might be safely and properly held. For these reasons, and from the vagueness of the proposition of the hon. Gentleman, he should oppose his motion.

Lord *F. Egerton* wished to ask the noble Lord how the distance of ten miles was to be measured. Was it to be reckoned from the boundaries of either benefice, or from church to church? He thought such a point ought not to be left in doubt by the Legislature, and he was the more induced to call the noble Lord's attention to the circumstance, as in the county which he represented the benefices were very often of very considerable extent.

The *Solicitor General* remarked, that there was no doubt, as the law now stood, that the distance could be computed from any part of the one parish to any part of the other, but it would certainly be desirable to adopt the suggestion of the noble Lord, and measure the distance from church to church. He believed, that the parish of Halifax was about seventeen or eighteen miles in extent.

Sir *E. Sugden* observed, that the hon. Member for Gateshead had entirely mistaken the place in which he should have introduced his amendment, and that therefore he was a little too late in proposing it. The second clause provided, that more than two benefices should not be held together; then the third clause enacted, that they should not exceed a certain value; and now the fourth clause related to distance; here, however, the hon. Member had introduced the question of value. He submitted, that if the amendment were adopted, the whole operation of the Bill would be destroyed by it. Who was to be the judge of the sufficiency of the remuneration? Was it to be the clergyman or the parishioners, or the hon. Member himself? The amendment was totally inapplicable, and could not be supported.

Mr. *Rippon*, in explanation, said, that his only object in moving the amendment was to put an end to jobbing.

Mr. *Wallace* begged to express his concurrence in the motion of the hon. Gentleman. The Church of Scotland, he said, particularly called for some measure of the kind. He never knew a clergyman of the Church of Scotland who was not willing to be transferred to a better benefice. [*Great laughter.*] Gentlemen might laugh, but those clergymen of the Church of Scotland took a solemn oath against removal, and still (he would declare) he never knew one of them refuse to go to a better benefice.

Proposition negatived.

Mr. *Pryme* moved, as an amendment to the same clause, that the words "contiguous to" should be adopted in lieu of the words "within the distance of ten statute miles from" in the clause, the object of the amendment being to prevent any spiritual person from holding a benefice with any other benefice, unless immediately adjoining that he already held.

Amendment withdrawn.

On Clause 8 (dispensations not to be allowed),

Mr. *W. Gladstone* proposed, that the clause be omitted.

Lord *John Russell* could not agree to the proposition of the hon. Member.

Committee divided on the question that the clause stand part of the Bill:—Ayes 138; Noes 16:—Majority 122.

List of the AYES.

Acland, Sir T. D.
Anson, hon. Colonel
Archbold, R.
Baines, E.
Baring, hon. W. B.
Beamish, F. B.
Benett, J.
Bewes, T.
Blewitt, R. J.
Blunt, Sir C.
Bramston, T. W.
Bridgeman, H.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bruges, W. H. L.
Bryan, G.
Bulwer, E. L.
Busfield, W.
Campbell, Sir J.
Cavendish, hon. C.
Cayley, E. S.
Chalmers, P.
Chetwynd, Major
Chute, W. L. W.
Clayton, Sir W. R.
Currie, R.
Curry, W.
Dalmeny, Lord
Denison, W. J.
Dennistoun, J.
Douglas, Sir C. E.
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Dundas, Captain D.
East, J. B.
Ebrington, Viscount
Egerton, Lord F.
Elliot, hon. J. E.
Erle, W.
Estcourt, T.
Fazakerley, J. N.
Fielden, J.
Ferguson, R.
Filmer, Sir F.
Freshfield, J. W.
Gaskell, Jas. Milnes
Greenaway, C.
Harcourt, G. S.
Harland, W. C.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Heron, Sir R.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hollond, R.
Hope, G. W.
Hoskins, K.
Houstoun, G.
Hughes, W. B.
Hume, J.
Hurt, F.
James, W.
Jones, J.
Kemble, H.
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Lefevre, C. S.
Lushington, C.
Lygon, hon. General
Marshall, W.
Marsland, H.
Melgund, Viscount
Mildmay, St. P. J.
Miles, W.
Mordaunt, Sir J.
Nicholl, J.
O'Brien, C.
Paget, F.
Palmer, C. F.
Palmerston, Viscount
Parker, M.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Philips, G. R.
Pryme, G.
Pusey, P.
Rice, E. R.
Rice, rt. hon. T. S.
Rich, H.
Rolfe, Sir R. M.
Round, C. G.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Salwey, Colonel
Sandon, Viscount
Scholefield, J.
Seymour, Lord
Sheppard, T.
Sinclair, Sir G.
Smith, R. V.
Stanley, E. J.
Stanley, W. O.
Stuart, Lord J.
Strutt, E.
Style, Sir C.
Talfourd, Sergeant
Tancred, H. W.
Teignmouth, Lord
Thomson, rt. hn. C. P.
Troubridge, Sir E. T.
Verner, Colonel
Verney, Sir H.
Vernon, G. H.
Vigors, N. A.
Vivian, rt. hon. Sir R.
Walker, R.
Wallace, R.
Warburton, H.
White, A.
White, S.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, T.
Wrightson, W. B.

TELLERS.
Gordon, R.
Parker, J.

List of the NOES.

Acland, T. D.
Courtenay, P.
Estcourt, T.
Goulburn, rt. hon. H.
Greene, T.
Grimsditch, T.
Halford, H.
Holmes, W.
Johnstone, H.
Law, hon. C. E.
Mackenzie, W. F.
Packe, C. W.
Perceval, Colonel
Planta, right hon. J.
Scarlett, hon. R.
Shaw, right hon. F.

TELLERS.
Gladstone, W. E.
Inglis, Sir R. H.

Clause agreed to.

Clause 9 being proposed, Mr. Law moved to add the following proviso:—

"Provided always, and be it enacted, that nothing in this act contained shall be construed to prevent any persons who, at the time of the passing of this act, shall be in the actual possession of two benefices from resigning one of such benefices, and from taking another in lieu thereof (the licence and permission of the archbishop of the province, or of the archbishops of both provinces, if the benefices be situate in both provinces and of the patron or patrons of such benefices, to be signified in writing under the hands of the archbishops and patrons respectively being thereunto first had and obtained.) Provided, also, that the distance, although the same may exceed ten miles between the benefices to be holden together by means of such exchange, be less than the distance between the respective benefices in the possession of such persons at the time of the passing of this act; and that such exchange be subject also to the restrictions as to value to which the future holding of two benefices is rendered liable by the provisions of this act."

Mr. *Hume* protested against the proviso as destructive of the principle of the bill.

Lord *John Russell* had considered the proposed clause, and conceived that its admission would greatly break in upon the principle of the bill, without on the other hand effecting any advantage.

Sir *E. Sugden* did not see, that the amendment struck at any of the provisions which had already passed. If admitted it would be only as an exception, and it might prove advantageous without being of any disadvantage to the general principle of the measure.

Sir *R. Inglis* said, that every possible restriction had been imposed by the Act, and there could be no danger in adopting the proposition of his hon. Friend. All that he was anxious for was, to give the incumbents the same privileges which they now enjoyed.

Mr. *Hawes* said, that if the suggestions of the right hon. Gentleman were adopted it might have the effect of benefitting a few individuals; but beyond a doubt it would go far towards defeating the spirit of the bill. The clergy might job away, then, to any extent they pleased, so long as the benefices were not within a given distance. He could not accord in those suggestions, feeling as he did so strongly that its inevitable effect would be to protect the grievance which it was intended by the bill to remove. So long as approximation was not insisted on, the jobbing which was so loudly complained of at present might still go on.

Mr. *Estcourt* would be happy to give his assent to the amendment of his hon. an learned Friend if his hon. and learned Friend would consent to add the words "value and population." He fully concurred in the motives which actuated his hon. and learned Friend in proposing the amendment. He was of opinion that it was required as a mode of protection to numerous individuals holding benefices, who certaintly deserved much protection and support at the hands of the Members of that House.

Mr. *Law* would feel the highest pleasure in adopting the recommendation of his hon. Friend. He was very anxious that his amendment should be, as far as was possible, in accordance with the general clauses of the bill. He had scarcely been fairly dealt with when it was said by some hon. Gentlemen at the other side that his Amendment was opposed to the principle of the Bill. It was not an opposition to the principle to make such an improvement as his Amendment would decidedly produce. Surely, if an Ecclesiastical person held two benefices within a distance allowed by the Bill, and that it were allowed him to contract the distance, it could neither injure the principle nor the operation of the Bill. In speaking of the individuals whose rights he wished to secure by this Amendment a phrase had been used by an hon. Gentleman, which phrase was very ill applied, inasmuch as the individuals to whose interest he looked in that Amendment were far from those described in that observation. He alluded to the terms jobbers and jobbing. Those individuals were not jobbers, nor had they any feelings in common with those who were described by that term. The hon. Gentleman was too fond of using that word when speaking of the clergy. There could scarcely be a doubt in any mind that it would be a great improvement if this Amendment were carried. If it proved a convenience or an advantage to contract the distance how could it do any injury in the case to which he adverted?

Mr. *Hawes* said that the object of the Bill would be defeated in spirit by that Amendment. Where the object was to bring two parishes together, the fact of contracting the distance from a hundred miles to fifty or from fifty to twenty-five miles would not surely produce that effect.

Lord *J. Russell* was of opinion that the Amendment would not be in accordance with the intention of the Bill, nor would it produce the good effects which were anticipated by its supporters.

Sir *H. Verney* concurred in this opinion: the direct effect of the proviso would be to facilitate the holding of pluralities, which it was precisely the object of the Bill to discourage.

The Committee divided on the question, that the proviso be added:—Ayes 50; Noes 106: Majority 56.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Bramston, T. W.
Bruges, W. H. L.
Chute, W. L. W.
Cole, Lord
Courtenay, P.
Craig, W. G.
Douglas, Sir C. E.
East, J. B.
Egerton, Sir P.
Egerton, Lord F.
Estcourt, T.
Farnham, E. B.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gladstone, W. E.
Glynn, Sir S. R.
Goulburn, rt. hon. H.
Graham, right hon. Sir J.
Granby, Marquess of
Grimsditch, T.
Halford, H.
Harcourt, G. S.
Henniker, Lord
Hodgson, R.
Holmes, W.
Hope, G. W.
Hughes, W. B.
Inglis, Sir R. H.
Lockhart, A. M.
Mackenzie, W. F.
Maunsell, T. P.
Mordaunt, Sir J.
Nicholl, J.
Parker, M.
Perceval, hon. G. J.
Planta, rt. hon. J.
Round, C. G.
Scarlett, hon. R.
Sibthorp, Colonel
Sinclair, Sir G.
Somerset, Lord G.
Stuart, Lord J.
Sugden, right hon. Sir E.
Teignmouth, Lord

Tyrell, Sir J. T.
Vernon, G. H.
Wrightson, W. B.

TELLERS.
Law, hon. C. E.
Shaw, hon. F.

List of the NOES.

Alsager, Captain
Andover, Visct.
Archbold, R.
Baines, E.
Baring, hon. W. B.
Berkeley, hon. H.
Bewes, T.
Blewitt, R. J.
Blunt, Sir C.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Busfield, W.
Campbell, Sir J.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chetwynd, Major
Clayton, Sir W. R.
Dalmeney, Lord
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Dundas, Captain D.
Ebrington, Viscount
Erle, W.
Evans, W.
Fort, J.
Gordon, R.
Greene, T.
Greenaway, C.
Harland, W. C.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hill, Lord A. M. C.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hollond, R.
Hoskins, K.
Howard, F. J.
Howick, Viscount
Hume, J.
Hurt, F.
James, W.
Johnstone, H.
Jones, J.
Kemble, H.
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.

Lefevre, C. S.
Lushington, C.
Marshall, W.
Marsland, H.
Melgund, Viscount
Milton, Viscount
Morpeth, Viscount
Morris, D.
O'Callaghan, hon. C.
Paget, F.
Palmer, C. F.
Palmerston, Viscount
Pechell, Captain
Philipps, M.
Philips, G. R.
Pryme, G.
Pusey, P.
Rice, E. R.
Rice, rt. hon. T. S.
Rich, H.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Scholefield, J.
Seale, Colonel
Seymour, Lord
Sheppard, T.
Smith, R. V.
Spencer, hon. F.
Stanley, W. O.
Stansfield, W. R. C.
Steuart, R.
Strutt, E.
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hn. C. P.
Troubridge, Sir E. T.
Verney, Sir H.
Vigors, N. A.
Vivian, rt. hn. Sir R.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Worsley, Lord

TELLERS.
Stanley, E. J.
Parker, J.

Original clause agreed to.

The House resumed, the Committee to sit again.

EXCHEQUER BILLS.] The House in Committee of Supply,

The Chancellor of the Exchequer moved, that the sum of 24,440,550*l.* be granted for the payment of Exchequer bills now outstanding.

Mr. *W. Williams* would take that opportunity of stating that, by raising the rate of interest on Exchequer bills last October, from 1½*d.* per cent. per diem to 2½*d.*, the right hon. the Chancellor of the Exchequer had thrown away as much of the public money as would cover the recent *deficit* in the revenue, 600,000*l.* By the present arrangement, that is, continuing them at 2*d.* per cent. per diem, the country would lose at least 200,000*l.* He deprecated such a course of proceeding, and maintained that the loss incurred on the occasion arose from the incompetence of the right hon. Gentleman.

Mr. *Hume* desired to know how many millions of the unfunded debt had been reduced in the last year, and how many it was intended to reduce in this?

The *Chancellor of the Exchequer* declined answering the last question; but, with respect to the former, he stated, that the debt in 1836 was 28,976,000*l.*; in 1837, 26,976,000*l.*; and in 1838, 24,440,000*l.* He denied altogether the accuracy of the hon. Member for Coventry's inductions, and asserted, that that hon. Member's suggestion, if adopted, would lead to the same calamitous results as he affected to lament. Whenever the hon. Member thought proper to bring forward a motion on the subject he should be ready to meet it, but if the Government now attempted to force down the rate of interest on Exchequer bills it would only cause an over-speculation in the money market, and entail on the country the disastrous consequences from which it was only just recovering in respect to a recent occasion.

Sir *Robert Peel* said, that he was not prepared to acquiesce in the theory laid down by the Chancellor of the Exchequer. He did not think there was any necessity or propriety in giving a large interest for money raised by Exchequer bills. It was a dangerous position to adopt, that a Minister was justified in influencing the money market by such means.

The *Chancellor of the Exchequer* said, that the right hon. Gentleman was carrying his principle farther than he intended. He had no choice but to raise the interest of his Exchequer bills to make them float in the market. However, he never intended to influence the money market by this proceeding.

Sir *Robert Peel* said, that it appeared to him that the rule which was found best for individuals, in such a case, was also the best for States, that was, to make the best terms they could.

Resolution agreed to. House resumed.

HOUSE OF LORDS,

Monday, May 7, 1838.

MINUTES.] Petitions presented. By the Earl of STRADBROKE, from Stockport, by the Duke of CLEVELAND, from Dunbar, for the reduction of Postage.—By Earl GREY, from Sunderland, and Newcastle, by the Earl of WICKLOW, from Ballyshannon, by the Marquess of SLIGO, from Wellington, Thornton, Croydon, Lisburn, South Shields, Isle of Orkney, and other places, and by Lord DENMAN, from the Primitive Methodists of Manchester, and from North Shields, praying for the Immediate Abolition of Negro Apprenticeship.—By the Earl of ROSEBERRY, from a place in Scotland, against additional Endowment for the Scotch Church.—By the Bishop of DERRY, from Raphoe, against parts of the system of National Education (Ireland).

NATIONAL EDUCATION.] The *Bishop of Durham* on rising to present a petition from Manchester, spoke to the following effect*: My Lords, I am not in the habit of intruding frequently upon your time: and I can assure you, that it is my wish not to detain you unnecessarily at present. But the great importance of the subject to which I call your attention, and the number and respectability of the petitioners, whom on this occasion I represent, compel me to trespass upon your patience, while I enter upon some details connected with the state of education in this country; the causes which may impede the adoption of a general system; and also the manner, in which the cause has been taken up by foreign nations.

My Lords, the petition which I am about to present to you, is signed, I understand, by 24,000 persons. I consider it, my Lords, honourable to the national character, but especially honourable to the Gentlemen with whom this petition originates; that they have bestowed so much pains upon the investigation of a subject so important as the education of the people. A set of Gentlemen at Manchester, to whom time must be peculiarly valuable, employed as they are in commercial pursuits of vast magnitude; yet have not hesitated to devote that time to inquiries into the evils by which many of their poorer brethren are oppressed, and into the best means of remedying them. They have found a deplorable want of education prevailing; and their prayer is that you will direct your attention to the great and interesting subject of national education.

By this term, my Lords, I do not apprehend that the petitioners restrict their wishes to a system of education, actually comprehending all the children of the country, as is the case in Prussia for instance. They would be glad, no doubt, if it were practicable, to have a really national system of instruction for all. But I understand them to urge the adoption of such modes of improving and extending the present means of education, as shall be at once effectual and practicable. For, I find that, at a meeting of the friends of the society for promoting National Education, a resolution was conceived in the following terms:—

> "That this Society shall endeavour, by petitions, and other constitutional means, to obtain from Parliament a legislative provision, securing to all classes of the community an improved and a permanent system of Education."

Now to this resolution I entirely subscribe; and in this sense I advocate the prayer of this petition.

When I proposed to touch upon some of the details, belonging to this very interesting subject, it was far from my intention to enter upon them at much length; still less to anticipate any discussion, which may be expected to take place upon a Bill laid before you by a noble and learned Friend; whose efforts to enlarge and improve the general stock of knowledge have been so unwearied and so praise-worthy. But it appears to me desirable to allude to some topics, connected with the matter of the petition; if it were only to prepare your Lordships for a more full consideration of the whole subject at some future time.

Among the questions, then, about which the friends of national education have been more or less divided, are,—1st. Whether it should be compulsory or not? 2nd. Whether boys and girls are to be educated together or separate? I find this to be a subject, about which the Glasgow Educational Society have formed a strong opinion. They consider it to be highly desirable that both sexes shall be trained together, both in school and in the play-grounds; but all under the inspection of their teachers.

Another question, upon which different opinions are entertained in this and in other countries, is, whether simultaneous, or mutual, instruction is to be preferred? It is well known, that the plan of mutual instruction was matured some thirty years ago under the auspices of Joseph Lancaster and Dr. Bell. The system has been generally adopted in this country. But foreigners appear disposed to regard it, as tending to make but a superficial impression.

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* From a report published by Ridgeway.

Again, it is asked, at what age it be desirable, that the business of education should commence; and to what extent it should be gratuitous?

But the great difficulty of all—that which, I fear, is at present almost insurmountable, as to the success of any scheme of education strictly national, is, in what manner religious instruction is to be conveyed? It is admitted, I believe by all, who in this country take an interest in the subject of education, that it should be founded upon religion as its only proper basis: and that the bible shall be taught. But then, each particular denomination of Christians is anxious to have their own peculiar views of doctrine entertained and upheld. And amidst such a diversity of opinions, as prevails in this country, by what means are we to select any one plan that will satisfy all? My Lords, the petitioners do not attempt to prescribe any particular plan, but they venture respectfully to suggest, what appears to them the best calculated to obviate the difficulty which I am describing:—

"They desire to express their conviction that the course pursued by the British and Foreign School Society of prescribing bible classes in every school, and placing the entire volume of the holy scriptures, without note or comment, in the hands of every child (excepting from this rule Catholics and Jews only), is the best system hitherto devised for meeting the difficulties arising out of the varieties of religious sects in this country."

My Lords! I heartily wish that some plan could be devised, which would so reconcile existing differences, as to allow of one common course of religious instruction at school; while the catechism, or peculiar doctrines of each denomination, might be reserved for the appropriate instruction of the sabbath-day. But I have no ground, upon which to rest a hope, that such a plan is likely, at the present, either to be devised or adopted.

Nevertheless, my Lords, the amount of evil, arising either from the total want or the partial defects of education, is so great, that every practicable effort should be made to lessen it; and surely no time should be lost, in taking some steps—in making at least a beginning—with a view to remedy it.

As a specimen of the deficiency of means of education in Scotland, I beg leave to lay before your Lordships a statement by Mr. Stow, a director of the model schools, Glasgow.

"Our readers will bear in mind, (he says) that a sixth of the whole population (independent of infants from two to six) ought to be at school:

"There are of children in attendance at school, out of the population of Old Aberdeen, only one child out of every twenty-five; Paisley, Abbey parish, one out of eighteen; Dundee, one out of fourteen; in large districts in Glasgow, one out of fifteen or sixteen; smaller districts in Glasgow, one out of twenty-four. In 132 parishes, in the counties of Aberdeen, Elgin and Banff, in 1832, there was only one in every eleven.

"By a survey lately made over the whole town of Paisley, it appeared that, independent of a vast number of adults, nearly 3,000 children above six or seven years of age were unable to read; and that much of the education received was merely a smattering at evening schools, after being fatigued with the day's work."

As to a very populous and important part of England;

"Estimating the population of Liverpool at 230,000, it was found, that 12,000 children, of all ages, were receiving, at the cost of the parents, an education of a very low order; 13,000—partly at the expense of the parents, partly from charity—a more effective education; 3,700 some little instruction in Sunday schools; 4,000 of the upper and middle classes, educated in superior private schools; leaving not less than 30,000 children, between the ages of five and fifteen, receiving no education either really or nominally."

The report then proceeds:—

"Taking this as a fair measure of the quantity and quality of the education received by the children of the working classes in this country, and comparing it with what may be done, and what, in other civilized countries, has been done, for the education of the same class; the result is one which cannot be dwelt upon, without some feeling of pain and humiliation."

Now, let us see what this state of Education is, compared with that in other countries:—

"In Nassau, the population were educated in the proportion of one in six; in Saxony, one in six; in the State of New York, one in four; in Protestant Switzerland, one in five; in England, the nominal education was only one in eight; but, in many large towns, any real education was only given to one in seventeen."

But it will be said that, in order to correct this sad state of things, a considerable expense must be incurred. In Scotland alone, it has been calculated that, in order to put matters on a right footing as respects education, no less an outlay would be required than 362,580*l.*; of which about 50,000*l.* might be considered an annual charge.

As to England, I have no materials upon which to build any safe calculation. But I was lately present at a meeting of the National Society, (which society, I am happy to say, is about to make great efforts in order to improve and extend its operations), where it was calculated that 15,000 additional schoolmasters would be wanted. These masters must be better trained than heretofore; so that, whether the calculation be correct or not, there can be no doubt but in England, as well as Scotland, very great expense must be incurred before an improvement, such as the petition calls for, can be made upon our present systems of education. But then, it must not be forgotten, that the effects, anticipated from better and more comprehensive modes of instruction, are to encourage habits of industry, and to diminish every species of vice and crime. You may, therefore, confidently look for a decrease of that expenditure which is now occasioned by police; by your prisons, and prosecutions. Here again, I gladly avail myself of the research and intelligence of the hon. Member for Shrewsbury.

> "What was the increase of cost arising from crime, the fruits of ignorance? Look at the county rates. In 1792, jails 92,000*l.*; in 1832, 177,000*l.*; prisoners' maintenance, in 1792, 45,700*l.*; in 1832, 127,000*l.*; prosecutions, in 1792, 34,000*l.*; in 1832, 157,000*l.*; constables, in 1792, 659*l.*; in 1832, 26,000*l.*; total, in 1792, 172,359*l.*; in 1832, 487,000*l.* Thus, the expenses directly from crime, trebled in forty years, whilst population is only increased sixty per cent. The metropolitan police alone cost 210,000*l.* per annum, to restrain crimes, which a good education might have much prevented, or diminished."

My Lords, I cannot indulge a hope that, in the present financial state of the country, her Majesty's Ministers would feel themselves warranted in incurring expenses to the amount that I have mentioned; even if the various difficulties to which I have adverted, could be satisfactorily removed. I am quite satisfied that they are aware of the importance of the subject; and would gladly make an effort to supply the lamentable deficiency which has been shown to exist in the means of education; if they could feel it consistent with their duty, as guardians of the public revenue. And I trust, they will be able to make some arrangements, by which a commencement at least may be made in forwarding this truly national object.

It is very evident, my Lords, that one of the first steps to be taken must be to establish Normal schools for the training of schoolmasters. Upon this point, the opinion expressed by the Statistical Society of Manchester, as the result of their inquiries into the state of the borough of Salford, is at once clear and and judicious:—

> "That in the establishment of Normal schools, the funds devoted to educational purposes would be more usefully employed than in any other manner; for they consider it hopeless to expect an extensive improvement in the conduct of schools until the teachers have first been qualified for the task of education."

Here then a commencement may be made in this vitally important work; a commencement at once safe and effective. I must, then, before I conclude, respectfully impress upon her Majesty's Government the necessity of making such a beginning. I trust they will be enabled, without inconvenience, to make some advance to the National Society, and to the British and Foreign School Society, in order to assist the exertions they are making towards the formation of Normal schools. I would also suggest, that some grant should be made to the Educational Society at Glasgow, who are at this time employing themselves with much success in improving the system of education in that part of Great Britain. By thus extending aid, so greatly wanted and so loudly called for, her Majesty's Ministers will show their anxiety to wipe off this reproach from our national character and institutions. You, my Lords, will, I trust, zealously support them in any efforts they are disposed to make in such a cause; for, as you regard the religious and moral welfare of your countrymen, as you prefer innocence to crime, comfort to misery, peace and good order to turbulence and licentiousness, you must be disposed to give the most favourable consideration to the prayer of this petition.

Petition laid on the table.

POOR-LAWS (IRELAND).] The Earl of *Wicklow*, on presenting a petition from places in the county of Wicklow, disapproving of the bill before the House for the relief of the poor in Ireland, would take the opportunity to ask the noble Viscount at the head of her Majesty's Government, a question connected with this subject. He had been informed that Mr. Nicholls, the Poor-law Commissioner, had been recently on a visit to Belgium and Holland, by order of her Majesty's Government, in order to ascertain how the regulations with respect to the poor in those countries worked. The report upon this subject being closely connected by analogy with the bill now before their Lordships' House, would be of great value, and he should be glad to hear from the noble Viscount whether any steps had been taken for its production?

Earl *Fitzwilliam* would take the occasion to suggest also to the noble Viscount that he and many of their Lordships felt extremely anxious to know the grounds upon which Mr. Nicholls had founded the report which he had last year presented. Mr. Nicholls had given them two reports of his six weeks' tour in the north of Ireland in 1836, and of his six weeks' tour in the south of Ireland in 1837, but he had never stated the grounds upon which he had arrived at the conclusions which he therein submitted to Parliament. It would be desirable, in his opinion, before this most important subject was disposed of, affecting as it did the whole state of society in that large portion of the empire, that their Lordships should know the grounds upon which Mr. Nicholls had, if he might use the expression, thrown overboard all the reports and labours of a most industrious Commission, which was engaged for several years on this subject, and advised Parliament to legislate in a manner directly contrary to that recommended by the latter. He trusted, that his noble Friend would give as satisfactory an answer on this subject as to the question of the noble Earl opposite.

Viscount *Melbourne* believed it was true that Mr. Nicholls was now travelling in Belgium and Holland, and he believed also that he was paying close attention to the establishments relating to the poor in those countries. He was not aware, however, that that gentleman had been sent out by the noble Lord, the Secretary for the Home Department; on the contrary, he believed not, and that Mr. Nicholls had not promised any report to Government on the subject. With respect to the observations of his noble Friend on his right, he must confess he did not clearly understand what he wished to have.

Earl *Fitzwilliam* wanted to know the grounds on which Mr. Nicholls had arrived at his conclusions.

Petition laid on the table.

THE CORONATION—MARSHAL SOULT.] The Marquess of *Londonderry* had a question to put to the noble Viscount connected with the Coronation. He did this the more readily, because he was convinced that he would receive a much more satisfactory answer than he had lately received on this subject, and one which would be more agreeable to that House and the public at large. It appeared from the public journals that her Majesty's name had been brought into discussion in a most indecorous manner with respect to the appointment of the individual who was to represent the French government upon the occasion of her Majesty's coronation; and it further appeared that the appointment of the individual, to whom it was originally intimated that the appointment would be given, had at the request of her Majesty, been cancelled, and an illustrious marshal appointed in his place. He could conceive nothing more improper than mixing up the name of our most Gracious Sovereign with the intrigues of the French court, and he hoped the noble Viscount would favour the House with a distinct declaration that her Majesty's Government had no share whatever in recommending the appointment-

Viscount *Melbourne* said, that he certainly could give the answer which the noble Marquess seemed to anticipate and expect, namely, that her Majesty's Government had taken no share whatsoever in the appointment.

YEOMANRY.] The Earl of *Winchilsea* rose pursuant to notice to move for copies of any correspondence which had taken place between the Secretary of State for the Home Department and the Lord-lieutenant of the county of Hertford, relative to the reduction of the yeomanry corps in that county. He would trespass but a very few moments on the attention of the House in putting them in possession of the motives which induced him to move for a return of that correspondence. In looking at the printed returns on the table he found that the reduction of the yeomanry corps in England and Scotland had been characterised by one uniform rule, which was this—that in those counties in which separate troops existed these troops had been reduced; and the only exception was afforded in the case of the county of Hertford. He had been led to understand that, in the first communication to the Lord-lieutenant of that county it had been intimated that a separate troop was to be disbanded; but subsequently, on account of something which had passed between the Lord-lieutenant and the Government, the reduction of that corps was abandoned, and two regiments in another part of the county were then reduced. Now, he expected to find in the correspondence some satisfactory statement or ground upon which that first order was cancelled, and whether there was any ground for the opinion very generally established in the county that the separate troop had been continued on account of feelings of a party character, for he was bound to state, that this troop was commanded by a constant and strenuous supporter of her Majesty's Government. He had another object in moving for these returns, because he expected that it might place upon some intelligible principle, the conduct of the Government, and the motives by which they had been actuated in recommending her Majesty to reduce that highly constitutional and useful force. It had been stated, by the noble Viscount, and his colleagues elsewhere, that one ground for the reduction was that of economy. Now that was likely to be a very popular reason, especially at a time when, as he believed, they had not a stiver at their command—but that would not avail them in this case, for it was necessary for him to state, that the single troops were not a twentieth part of the expense of the regiments, with which all the expenses of the staff were connected. In looking at the papers, he found, that in the county of Hants, there were eight separate troops, fifty-four men a troop, whereas a regiment had been retained in which there were 129 men to a troop. He found, further, that a regiment had been retained, which could have been spared better than any one of the single troops; for it was situated between four military stations, Portsmouth, Windsor, Winchester, and Hounslow. In Somersetshire, a body of yeomanry had been retained, exceeding 1,000 in number, larger than that of almost any other county except Yorkshire; and he had learnt that the two gentlemen commanding those two very strong regiments, were strenuous supporters of the Government. In Surrey, he found, that the Government had thought proper to reduce the corps of a gentleman, a highly-distinguished officer in her Majesty's service, and they had kept three troops confined to one district of the country. With regard to Berkshire, he begged to state that, on behalf of a gentleman who was his (the Earl of Winchilsea's) personal friend, that he had been much hurt at the observations which had been made by a noble Lord in another place; and, for himself, he would say, that whatever animadversions the noble Lord might be pleased to pass upon his conduct, he should be perfectly prepared to meet any odium which could be thrown upon him. He was perfectly prepared to stand upon that letter which he had written, and he did contend, that if this Government intended to keep up that force, their conduct had been calculated to give great offence. So far from agreeing in the observations of the noble Lord, he firmly believed, that, in a civil point of view, in case of any local disturbance, the yeomanry was a most useful, lenient, and effective force. In such cases, they were assembled on the spot, and it frequently happened that in consequence of many of the corps being known to the leaders, as well as to the misled peasantry, great mischief was prevented—loss of life as well as property. Then, again, the moral influence arising from the characters of members of these corps, was highly beneficial, for he had heard of instances in which words dropped from one of the yeomanry corps, had prevented the destruction of property, and even the effusion of blood. Upon these grounds, and for these reasons, he had thought proper to move for the returns which he had mentioned.

Viscount *Melbourne* had no objection to the production of the papers. He believed that the facts of the case would be stated in those papers; but what principle or motives might there be given, he did not know; nor was he at all aware how far the general principle upon which the Government had proceeded might be explained; but if the noble Lord expected, that that would be fully discussed, he believed he would be considerably disappointed. The facts stated by the noble Earl with respect to the county of Hertford, were undoubtedly true; in the first instance, the Government had directed the separate corps to be reduced; and had subsequently thought proper to retain it upon grounds which, if he were to state them, might draw upon him, as it had upon his noble Friend, the censure of noble Lords, for insulting those gentlemen who might command the troops in question. It was not a particularly gracious thing to particularize the comparative merits of different troops; but he would say, that one ground of the determination of the Government in this particular case, proceeded upon representations as to the state of that part of the county in which that single troop was situated, and accordingly they had thought proper to effect the reduction in the other troops of the county. Could anything be more proper, or more conducive to the peace of the county? And if, in other parts of the county, similar representations had been made with respect to the service of the troops, he had no doubt that his noble Friend would have paid the same attention to them. But the noble Earl opposite said that this was done for party purposes—that it was all done to favour political friends. If that were the case, the Government were very unlucky—very unfortunate; for they had been very generally taxed with a fault of a contrary description: they had been much complained of for reducing, in many cases, troops which were commanded by persons—(he did not mean to charge them with acting from any political motives)—but persons who were supposed to follow the Administration. He did not expect the noble Lord would have entered upon a consideration of the dislocation of all the yeomanry corps throughout the country, and he was consequently not prepared to meet him. But the noble Earl had not gone at all into the case of a county with which he was intimately connected—the county of Northampton; and there, at least, he supposed the reduction had not fallen on troops which were commanded by officers of his political opinions. If he had been aware that it was necessary to make himself master of the subject for the present occasion, he would have been prepared to show good reasons for the reduction of each particular troop. It had been remarked, that what his noble Friend had said in the House of Commons was extremely offensive and insulting; but if the opinion of the noble Secretary of State, that this force was not, in all cases, suitable to the suppression of civil discord, was to be considered in that light, how could there be any free discussion? Or how could any one venture to express an opinion on any subject? Could they be told, that the mere expression of an opinion, which might be erroneous, was an insult to those gentlemen throughout the country, and to those persons whose care it was to provide for the maintenance of the public tranquillity, as to justify them in acting in the manner in which they had acted? The sensibility of those persons was perfectly absurd. It was the right of every Minister of the Crown, or Member of Parliament, to pronounce such an opinion—to declare the reasons upon which it was founded—and why he acted upon it. He had no objection to the introduction of the papers; and if the noble Earl should wish to have the question brought forward, he should have no objection to inquire into, and investigate the facts, and to defend more at length, and in detail, the course adopted by the Government.

The Earl of *Malmesbury* thought it was incumbent upon Government, before reducing the yeomanry corps, at least to have consulted the lords-lieutenant of counties on the subject. In that part of the country with which he was more immediately connected the reduction had been particularly inopportune, and might be attended with considerable inconvenience. He regarded the yeomanry as a peculiarly constitutional force, eminently calculated in most cases to repress disturbances; but when he recollected that there were no cavalry or infantry barrack, and no yeomanry force between Dorchester and Portsmouth, a part of the country which unfortunately had not been altogether free from outrage, there was not only ground of complaint, but a heavy responsibility rested on those who had disbanded the yeomanry. The determination of Government to withdraw the yeomanry from that part of the country was particularly unfortunate at the present moment, when the Dorchester labourers had just returned, and he hoped it was not yet too late to beg the noble Viscount, who, he thought, did not altogether agree with his noble Colleague in another place on this subject, —he hoped it was not yet too late to induce the noble Viscount to reconsider the matter.

Lord *Portman* said, that the Dorchester labourers had been already paraded through their own part of the country, and with quite as little notice as in London, probably because they were better known. He must say, that he agreed very much with the noble Earl (Earl of Winchilsea) as to the extreme impolicy of the mode adopted for the reduction of the yeomanry. He certainly thought that the measure had been taken not in the most cautious or the most advisable manner. He thought that the measure required something like careful inquiry, and he deeply regretted that it had taken place. He could never forget the services rendered by the yeomanry in 1830 in the suppression of disturbance and riot. The noble Earl who moved for this return stated that in Somersetshire a regiment had been retained on account of the politics of its commander. Now, he could inform the noble Earl that a most active, and zealous, and powerful supporter of the Government in that county was the representative of the western division, and the troop which this gentleman commanded had been disbanded, whereas the regiment that had been retained was commanded by Colonel Tynte, who was no longer a Member of Parliament. There was one point to which he was anxious to call the attention of their Lordships, he meant the acceptance of volunteer yeomanry without pay. He doubted very much, in a constitutional view of the subject, whether it was right to have any force in this country which was not under the full control of Government, by receiving its pay. He happened to know that the services of a troop in Somersetshire had been accepted, which had been recommended by a Gentleman of opposite politics, and it therefore did not arise from party feeling. He thought that great care and discretion was required in accepting the volunteer services of any.

Lord *Sondes* said, that as his conduct had been adverted to, in consequence of a letter which he had written on this subject, he begged to assure the noble Viscount and the Government that it was not his intention in writing that letter to attempt in any way to insult them. He had done all he could to render the yeomanry of the county with which he was connected as efficient as possible, but amongst the supporters of the Government he had found so many obstacles thrown in his way that he had come to the conclusion that it was useless for him to go on. He had been accused of issuing political manifestoes to armed bodies; and he, therefore, had been judged unfit any longer to command them. He had no intention of carrying arms or commanding armed bodies, unless her Majesty should call on him to do it; but he might appeal to the Lord Lieutenant of the county of Norfolk whether he would be unwilling to trust him with such a command.

Lord *Wharncliffe* could not understand if, as had been said by the noble Secretary for the Home Department in the House of Commons, they were not proper troops for quelling disturbance, why they were maintained at all; but the Government did not know the use or advantage of the yeomanry corps. He had known instances in which, if there had been only the regular troops, riots, especially in manufacturing towns, would have proceeded to a very alarming extent. In Sheffield, on one occasion, the soldiers had been called out, and had fired upon the people, many of whom were killed; but if the yeomanry had not been able to protect them the most disastrous consequences must have ensued, and many more persons have been killed. The yeomanry were further said to be an improper body, because they were generally known to those against whom they had to act; but if that were the case what became of the old constitutional bodies of *posse commitatus* and special constables and magistrates? It had astonished him to hear that the Home Secretary of State should have taken the opportunity of stating in the House of Commons, first, that this was not a proper force to employ on occasions of civil disturbances; and next, to insinuate that their continuance would only be temporary, until another force could be found.

The Marquess of *Lansdowne* said, that after the many instances the House had had of inconvenience arising from the practice of discussing, even under disguise, the proceedings of another place, the noble Baron opposite, throwing away that disguise, and speaking distinctly of the House of Commons, had produced the strongest instance of that inconvenience, inasmuch as he had referred to the proceedings of that place in a way the most unsatisfactory: for the noble Baron stated that which was perfectly absurd, if the expression had been used to which the noble Baron, if he referrd at all, should have referred with considerable accuracy. He rose, therefore, for the purpose of expressing his decided belief that the terms put into the mouth of his noble Friend were not, and could not be, the terms which he had employed; for these terms neither expressed his opinions or those of his colleagues, for his noble Friend was made to say this—" that it was inexpedient for a Government professing economy to keep up a force which they did not think it expedient to employ." It was not unlikely that his noble Friend might point out particular instances of service in which he might not think this force appropriate; and although he was fully prepared to bear testimony to the general utility of the force in the county of which he was Lord Lieutenant still he could subscribe to that opinion.

The Earl of *Harewood* bore testimony to the efficiency of the yeomanry. He must say, that the impression produced on his mind was, that the yeomanry were to be summarily dealt with.

The Duke of *Cleveland* said, that at Manchester there was more blood shed by the yeomanry, than there would have been by the regular troops, or by the militia. He protested against the yeomanry cavalry being considered the most constitutional force that could be employed. He preferred the employment of the militia.

The Duke of *Wellington* said, that although many noble Lords doubted that the yeomanry were the most eligible force for putting down disturbances, yet he was inclined to a contrary opinion. The first consideration was, in every case to put down any disturbance that might arise with as little delay as circumstances permitted. He should always be for putting down disturbance with the least possible loss of life. He therefore thought, that whatever force partook most of a preventive character must be considered the most eligible. He believed, that the yeomanry best answered to that description, and it was to be remembered, that when troops were present, or supposed to be near the spot, it rarely happened that disturbances arose. This he considered to be a strong argument in favour of the employment of the yeomanry. He further thought, that if troops were to be called, cavalry were to be preferred to infantry.

The Earl of *Winchilsea* replied, he should not then go into the question of the loss of life, but limit himself to this observation, that if the case of Bristol were compared with others, it would be found a comparison greatly in favour of the yeomanry.

Motion agreed to.

* * *

HOUSE OF COMMONS,

Monday, May 7, 1838.

PLURALITIES.] House in Committee on the Plurality of Benefices Bill.

On Clause 22 (no spiritual person beneficed or performing ecclesiastical duty shall engage in trade, or buy to sell again for profit or gain, excepting in cases of keeping schools, &c., buying and selling anything for the *bonâ fide* use of the family, or buying and selling cattle, &c., for the use of his own lands, &c.) being read,

Mr. *Courtenay* rose to propose the amendments of which he had given notice, and said, that the clause as it then stood would inflict great injustice on clergymen. For instance, if a clergyman had lent 100*l.* to one of his parishioners, and the latter owing to misfortunes in trade had become bankrupt, possessing no assets except shares in canals, or joint stock banks, an assignee is appointed, who becomes as it were trustee for the clergyman and thus the latter would become indirectly a trader, which might destroy his chance of receiving anything in liquidation of the sum which, in the generosity of his heart, he had advanced to a poor parishioner. The hon. Member, after a few other preliminary remarks, in which he stated, that the clause was full of absurdities, concluded by moving the following amendment:—1st, in lines 16 and 17 to strike out "And that every bargain so made contrary to this act shall be utterly void as to such spiritual person." 2d, at the end of the clause to add the following additional proviso:—"Provided, always, that no prohibition nor restriction on the trading or dealing of any spiritual person, or of any other person for him, or to his use, contained in this act, shall extend, or be deemed to extend, to any trading or dealing by him, or by any other person to his use, in any case where such trading or dealing shall have been or shall be carried on, by or on the behalf of any number of partners exceeding the number of six; nor in any case where any trade or dealing, or any share in any trade or dealing, shall have devolved or shall devolve upon any spiritual person, or upon any other person for him or to his use, under or by virtue of any devise, bequest, inheritance, intestacy, settlement, marriage, bankruptcy, or insolvency."

The *Attorney-General* admitted, that there was a great deal of point in the remarks of the hon. Member, but as it had been argued by high authorities, that according to the present law if any clergyman should become a shareholder in a joint-stock bank all contracts of that bank would become null and void, consequently it was necessary to put some restraint on the trading of clergymen, and as the amendments proposed would not tend to that purpose, he felt it necessary to oppose the hon. Member's motion.

Sir *E. Sugden* said, that although he agreed in substance with the amendment, still there should be some check, lest clergymen might become individual traders, and, in his opinion, it would be advisable to give the diocesan a power of control over any clergyman who had become a trader. As both sides of the House seemed anxious to modify the clause, he should recommend, that it stand over for a short time, in order to give Members an opportunity of considering its merits.

Mr. *Courtenay* thought it was necessary that some similar amendment to that proposed by him should be introduced; but if the noble Lord opposite (Lord J. Russell) would take the subject in hand, he would withdraw his motion.

Clause postponed.

On the 27th Clause,

Sir *R. Inglis* recalled the attention of the House to the petition which he had presented, from the dean, sub-dean, and chapter of the College of Christchurch, at Oxford, praying to be exempted from the operation of the clause. The hon. Baronet observed, that there was this peculiar circumstance about the case of the petitioners, namely, that the chapter of Christchurch was not merely a chapter, but a college. All that they wanted was, as respected themselves, the continuance of the existing law. The hon. Baronet moved an amendment to that effect.

The Committee divided on the Amendment:—Ayes 52; Noes 75:—Majority 23.

List of the AYES.

Baker, E.
Boldero, H. G.
Bramston, T. W.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H.
Canning, Sir S.
Chandos, Marquess of
Compton, H. C.
Duncombe, A.
East, J. B.
Egerton, W. T.
Egerton, Sir P.
Ellis, J.
Estcourt, T.
Farnham, E. B.
Filmer, Sir E.
Fleming, J.
Freshfield, J. W.
Gaskell, Jas. Milnes
Glynne, Sir S. R.
Granby, Marquess of
Grimston, Viscount
Hale, R. B.
Halford, H.
Hodgson, R.
Hughes, W. B.
Ingestrie, Viscount
Mackenzie, W. F.
Maidstone, Viscount
Marsland, T.
Master, T. W. C.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Milnes, R. M.
Moreton, hon. A. H.
Neeld, J.
Neeld, J.
Norreys, Lord
Perceval, hon. G. J.
Praed, W. M.
Price, R.
Rae, Sir W.
Reid, Sir J. R.
Round, C. G.
Round, J.
Sibthorp, Colonel
Somerset, Lord G.
Teignmouth, Lord
Villiers, Lord

TELLERS.

Inglis, Sir R. H.
Estcourt, T.

List of the NOES.

Alsager, Captain
Anson, hon. Colonel
Baines, E.
Barnard, E. G.
Barrington, Viscount
Barry, G. S.
Berkely, hon. C.
Bewes, T.
Blunt, Sir C.
Bowes, J.
Brocklehurst, J.
Brotherton, J.
Bulwer, E. L.
Busfield, W.
Cavendish, G. H.
Chapman, Sir M. L. C.
Childers, J. W.
Collier, J.
Divett, E.
Douglas, Sir C. E.
Duff, J.
Dundas, Captain D.
Fazakerley, J. N.
Fergusson, C.
Fitzroy, Lord C.
Gordon, R.
Hastie, A.
Hawes, B.
Hayter, W. G.
Hector, C. J.
Hill, Lord A. M. C.
Hinde, J. H.
Hume, J.
Humphrey, J.
Hutt, F.
Kemble, H.
Kinnaird, hon. A. F.
Knight, H. G.
Lushington, C.
O'Brien, W. S.
O'Callaghan, C.
O'Ferrall, R. M.
Paget, F.
Parnell, Sir H.
Pusey, P.
Rice, rt. hon. T. S.
Rich, H.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Scholefield, J.
Seymour, Lord
Sheppard, T.
Slaney, R. A.
Stansfield, W. R. C.
Stewart, James
Stuart, Lord J.
Stuart, V.
Sturt, H. C.
Style, Sir C.
Talbot, J. H.
Turner, E.
Verney, Sir H.
Vernon, G. H.
Vigors, N. A.
Vivian, Sir R. H.
Warburton H.
White, A.
Williams W.
Wood, C.
Wood, T.
Worsley, Lord
Wrightson, W. B.
Yates, J. A.

TELLERS.

Stewart, R.
Parker, J.

The Marquess of *Chandos* moved to extend the exemption contained in the clause for the head masters of colleges, and public schools, to the lower masters.

The Committee divided on the Amendment:—Ayes 60; Noes 76: Majority 16.

List of the AYES.

Acland, T. D.
Boldero, H. G.
Bowes, J.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H.
Canning, rt. hn. Sir S.
Cavendish, hon. G. H.
Cayley, E. S.
Cole, Lord
Compton, H. C.
Duncombe, hon. A.
East, J. B.
Egerton, W. T.
Egerton, Sir P.
Estcourt, T.
Farnham, E. B.
Filmer, Sir E.
Fleming, J.
Freshfield, J. W.
Gaskell, Jas. Milnes
Glynne, Sir S. R.
Goulburn, rt. hn. H.
Granby, Marquess of
Grimston, Viscount
Halford, H.
Harcourt, G. S.
Hodgson, R.
Hughes, W. B.
Ingestrie, Viscount
Inglis, Sir R. H.
Mackenzie, W. F.
Maidstone, Viscount
Marsland, T.
Master, T. W. C.
Maunsell, T. P.
Miles, W.
Miles, P. W. S.
Mordaunt, Sir J.
Neeld, J.
Neeld, J.
Nicholl, J.
Norreys, Lord
Packe, C. W.
Perceval, hon. G. J.
Price, R.
Rae, rt. hn. Sir W.
Rolleston, L.
Round, C. G.
Round, J.
Sheppard, T.
Sibthorp, Colonel
Somerset, Lord G.
Stuart, Lord J.
Teignmouth, Lord
Villiers, Viscount
Vivian, Major C.
Vivian, J. E.
Worsley, Lord

TELLERS.

Chandos, Marquess of
Praed, W. M.

List of the NOES.

Alsager, Captain
Anson, hon. Colonel
Baines, E.
Barnard, E. G.
Barrington, Viscount
Barry, G. S.
Berkeley, hon. C.
Bewes, T.
Blackett, C.
Bramston, T. W.
Brotherton, J.
Busfield, W.
Cavendish, hon. C.
Chapman, Sir M. L. C.
Childers, J. W.
Collier, J.
Divett, E.
Duff, J.
Dundas, Captain D.
Evans, W.
Fazakerly, J. N.
Fergusson, rt. hon. R. C.
Fitzroy, Lord C.
Hastie, A.
Hawes, B.
Hill, Lord A. M. C.
Hume, J.
Humphery, J.
Kemble, H.
Kinnaird, hon. A. F.
Knight, H. G.
Leveson, Lord
Lister, E. C.
Lushington, C.
Mactaggart, J.
Milnes, R. M.
Milton, Viscount
Murray, rt. hn. J. A.
O'Brien, W. S.
O'Ferrall, R. M.
Parker, J.
Parnell, rt. hn. Sir H.
Protheroe, E.
Pryme, G.
Pusey, P.
Rich, H.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Sandon, Viscount
Scholefield, J.
Seymour, Lord
Slaney, R. A.
Spiers, A.
Stanley, E. J.
Stanley, Lord
Stansfield, W. R. C.
Stewart, J.
Stuart, V.
Sturt, H. C.
Style, Sir C.
Surrey, Earl of
Talbot, J. H.
Troubridge, Sir E. T.
Turner, E.
Verney, Sir H.
Vernon, G. H.
Vigors, N. A.
Vivian, right hon. Sir R. H.
Warburton, H.
White, A.
Wood, C.
Wood, T.
Wrightson, W. B.
Yates, J. A.

TELLERS.

Steuart, R.
Gordon, R.

Mr. *Hawes* moved to add a proviso limiting the value of any benefice to which the clause applied to 500*l.*

The Committee divided on the Amendment:—Ayes 45; Noes 68: Majority 23.

List of the AYES.

Alsager, Captain
Attwood, T.
Bewes, T.
Brocklehurst, J.
Brotherton, J.
Butler, hon. Colonel
Cavendish, hon. G. H.
Childers, J. W.
Collier, J.
Curry, W.
Easthope, J.
Ebrington, Viscount
Evans, W.
Fazakerly, J. N.
Fitzroy, Lord C.
Kemble, H.
Kinnaird, hon. A. F.
Lister, E. C.
Lushington, C.
Melgund, Viscount
O'Brien, C.
O'Brien, W. S.
Pinney, W.
Protheroe, E.
Pryme, G.
Roche, W.
Rundle, J.
Salwey, Colonel
Scholefield, J.
Stansfield, W. R. C.
Stuart, V.
Style, Sir C.
Talbot, J. H.
Verney, Sir H.
Vigors, N. A.
Warburton, H.
Wood, Sir M.
Worsley, Lord
Yates, J. A.

TELLERS.

Hawes, B.
Hume, J.

List of the NOES.

Acland, T. D.
Anson, hon. Colonel
Baker, E.
Barnard, E. G.
Barrington, Viscount
Blackburne, I.
Blackett, C.
Boldero, H. G.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H.
Busfield, W.
Cavendish, hon. C.
Cole, Viscount
Compton, H. C.
Courtenay, P.
Duncombe, hon. A.
Dundas, Captain D.
East, J. B.
Estcourt, T.
Fergusson, rt. hn. C.
Filmer, Sir E.
Freshfield, J. W.
Gaskell, Jas. Milnes
Goulburn, rt. hon. H.
Halford, H.
Harcourt, G. S.
Hodgson, R.
Hoskins, K.
Hughes, W. B.
Inglis, Sir R. H.
Knight, H. G.
Leveson, Lord
Lockhart, A. M.
Marsland, T.
Milnes, R. M.
Mordaunt, Sir J.
Murrray, rt. hn. J. A.
Neeld, J.
Neeld, J.
Nicholl, J.
Parker, J.
Parnell, rt. hn. Sir H.
Pendarves, E. W. W.
Perceval, hon. G. J.
Praed, W. M.
Pusey, P.
Rae, right hon. Sir W.
Rolfe, Sir R. M.
Round, C. G.
Round, J.
Russell, Lord John

Sandon, Viscount
Seymour, Lord
Sibthorp, Colonel
Stanley, E. J.
Stanley, Lord
Sturt, H. C.
Sugden, rt. hn. Sir E.
Surrey, Earl of
Teignmouth, Lord
Troubridge, Sir E. T.
Turner, E.
Vernon, G. H.
Vivian, right hon. Sir R. H.
Wood, C.
Wrightson, W. B.

TELLERS.
Steuart, R.
Gordon, R.

Mr. *Hume* said, that as the clause stood the deans of all cathedrals and the head masters of Winchester, Westminster, and Eton, schools, and the head warden of Durham University, could hold livings to any amount, and at any distance from their residences; he therefore should move, that the clause be omitted altogether.

The Committee divided on the question, that the clause as amended stand part of the bill:—Ayes 69; Noes 34: Majority 35.

List of the AYES.

Acland, T. D.
Alsager, Captain
Baker, E.
Barnard, E. G.
Boldero, H. G.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H.
Busfield, W.
Cavendish, hon. C.
Cavendish, hn. G. H.
Cole, hon. A. H.
Compton, H. C.
Courtenay, P.
Dundas, Captain D.
East, J. B.
Estcourt, T.
Fazakerly, J. N.
Fergusson, right hon. R. C.
Filmer, Sir E.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gordon, R.
Goulburn, rt. hon. H.
Halford, H.
Hodgson, K.
Hoskins, R.
Hughes, W. B.
Inglis, Sir R. A.
Jephson, C. D. O.
Kemble, H.
Knight, H. G.
Labouchere, rt. hon. H.
Lockhart, A. M.
Mackenzie, W. F.
Marsland, T.
Milnes, R. M.
Mordaunt, Sir James
Murray, J. A.
Neeld, J.
Neeld, J.
Nicholl, J.
O'Ferrall, R. M.
Pendarves, E. W. W.
Perceval, G. J.
Praed, W. M.
Pusey, P.
Rae, Sir W.
Rolfe, Sir R. M.
Round, C. G.
Round, J.
Russell, Lord John
Sandon, Viscount
Sibthorp, Colonel
Stanley, E. J.
Stanley, Lord
Steuart, R.
Stewart, James
Stuart, V.
Sturt, H. C.
Sugden, Sir E.
Surrey, Earl of
Teignmouth, Lord
Troubridge, Sir E. T.
Turner, E.
Vernon, G. H.
Wood, C.
Wrightson, W. B.

TELLERS.
Seymour, Lord
Parker, J.

List of the NOES.

Brocklehurst, J.
Bryan, G.
Butler, hon. Colonel
Childers, J. W.
Collier, J.
Curry, W.
Davies, Colonel
Duke, Sir J.
Duncombe, A.
Easthope, J.
Evans, W.
Fitzroy, Lord
Kinnaird, A. F.
Lister, E. C.
Lushington, C.
Marsland, H.
Melgund, Viscount
O'Brien, C.
O'Brien, W. S.
Brotherton, J.
Protheroe, E.
Pryme, G.
Roche, D.
Rundle, J.
Salwey, Colonel
Stansfield, W. R. C.
Style, Sir C.
Talbot, J. H.
Verney, Sir H.
Vigors, N. A.
Warburton, H.
Williams, W. A.
Wood, Sir M.
Worsley, Lord

TELLERS.
Hawes, B.
Hume, J.

On Clause 28,

Sir *Robert Inglis* moved to extend the exemptions contained in the clause to the proctor, public orator, librarian, or registrar, of the Universities, on the ground that the salary was insufficient, and that it was, therefore, desirable that he should be allowed to hold church preferment.

The *Solicitor-General* objected to the exemption, as it was necessary that the orator should be constantly resident during the terms, although his duties might only occupy him for a short time each day. If it were intended to exempt him, he ought to have been included in the 27th section, which contained the general exemption.

Mr. *Goulburn* said, that Gentlemen on that side of the House, had not so included them because they were anxious to reduce as much as possible the number included in the general exemption.

The Committee divided on Sir Robert Inglis's motion:—Ayes 30;—Noes 52: Majority 22.

List of the AYES.

Acland, T. D.
Burr, H.
Chute, W. L. W.
Cole, Viscount
Compton, H. C.
Courtenay, P.
East, J. B.
Estcourt, T.
Freshfield, J. W.
Gaskell, Jas. Milnes
Goring, H. D.
Grimsditch, T.
Halford, H.
Harcourt, G. S.
Heathcote, Sir W.
Hodgson, R.
Hughes, W. B.
Lockart, A. M.
Mackenzie, W. F.
Marsland, T.
Monypenny, T. G.
Mordaunt, Sir J.
Nicholl, J.
Parker, M.
Praed, W. M.
Price, R.
Pryme, G.
Round, J.
Sibthorp, Colonel
Teignmouth, Lord

TELLERS.
Goulburn, H.
Inglis, Sir R. H.

List of the NOES.

Adam, Admiral
Alsager, Captain
Barnard E. G.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H. L.
Bryan, G.
Busfield, W.
Butler, hon. Colonel
Cavendish, hon. G. H.
Childers, J. W.
Curry, W.
Dalmeny, Lord
Davies, Colonel
Duke, Sir J.
Dundas, Captain D.
Ebrington, Viscount
Evans, W.
Fergusson, rt. hon. R. C.
Gordon, R.
Hawes, B.
Heathcote, J.
Hoskins, K.
Hume, J.
Kemble, H.
Lister, E. C.
Lushington, C.
Marsland, H.
Morpeth, Visct.
O'Brien, C.
Parnell, rt. hon. Sir H.
Pendarves, E. W. W.
Protheroe, E.
Pusey, P.
Rolfe, Sir R. M.
Round, C. G.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Stansfield, W. R. C.
Surrey, Earl of
Talbot, J. H.
Tancred, H. W.
Troubridge, Sir E. T.
Turner, E.
Vigors, N. A.
Williams, W. A.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Yates, J. A.

TELLERS.
Wood, C.
Parker, J.

Mr. *Pryme* then moved an addition to the clause to the effect of exempting from residence on their benefices, spiritual persons holding professorships and wholly resident within the precincts of the Universities, and annually lecturing therein. There were many professors, such as those of chemistry and experimental philosophy, whose time was engrossed out of term in making experiments on which to found their lectures, and under such circumstances he submitted their residence for such an object in the Universities, ought to be held as equivalent to residence on their benefices.

Lord *J. Russell* said, that he could not concur in the amendment proposed by his hon. and learned Friend. The bill as drawn, had made a distinction between permanent and temporary exemptions, and that distinction the hon. and learned Gentleman by his proposition would do away with altogether. The parties whom the hon. and learned Gentleman sought to relieve, had undertaken two duties—viz., professorships at Universities, and a cure of souls. Now this bill provided, that while the individual who held both these duties should, while engaged, giving lectures at the University, be reckoned as resident on his benefice, yet that when not so engaged, his presence at his cure should be required, with the exception of three months in each year, when he would be exempted altogether. Now, he could not think, that this was at all an unfair or severe regulation, and being unwilling to carry exemptions from residence on benefices any further, he should give his negative to the present proposition.

Mr. *Pryme* would not press his amendment.

Mr. *Hume* moved the addition of a proviso to the effect that a clergyman, on leaving his benefice to perform other duties, should give notice thereof, and of the grounds of his absence, in writing to the churchwardens of the parish, who should affix the same in some conspicuous place within the walls of the church.

Lord *John Russell* opposed the amendment as unnecessary. In the schedule of the bill, certain questions as to absence, and the cause of absence, were required to be put annually by the bishop to each incumbent, and those questions, so answered, could, without great difficulty, be returned to Parliament.

Mr. *Goulburn* objected to the amendment. The parishioners, if they attended church, would not see their pastor in the pulpit, and could easily ascertain the cause, and if such absence was too long, they would by the law created by this bill have a remedy. Surely, the hon. Member would not require a rector to stick up handbills, announcing that he was going out of the parish.

Mr. *Hume* contended, that the regulation he proposed was necessary, in order to enable parishioners to ascertain whether or not he was neglecting his duty. It appeared from a return, that no less than 1,016 clergymen had been absent from their livings, and that even their bishops were ignorant of the causes of their absence.

The Committee divided on the question of adding the proviso:—Ayes 21;—Noes 76: Majority 55.

List of the AYES.

Brocklehurst, J.
Brotherton, Joseph
Bryan, G.
Butler, hon. Col.
Curry, W.
Evans, G.
Heathcote, J.
James, W.
Jephson, C. D. O.
Lister, E. C.
Marsland, T.
Monypenny, T. G.
O'Brien, C.
Protheroe, E.
Rundle, J.
Salwey, Colonel
Talbot, J. H.
Turner, E.

Turner, W.
Vigors, N. A.
Wood, Sir M.

TELLERS.
Hume, J.
Lushington, C.

List of the NOES.

Acland, Tho. D.
Adam, Admiral
Alsager, Captain
Bailey, J.
Bailey, J., jun.
Barnard, E. G.
Barry, G. S.
Broadley, H.
Bruges, W. H. L.
Busfield, W.
Cavendish, hon. G. H.
Childers, J. W.
Chute, W. L. W.
Cole, Visct.
Compton, H. C.
Courtenay, P.
Davies, Colonel
Duke, Sir J.
Dundas, Captain D.
East, J. B.
Ebrington, Visct.
Estcourt, T.
Evans, W.
Fergusson, rt. hon. R. C.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gordon, R.
Goring, H. D.
Goulburn, rt. hon. H.
Grimsditch, T.
Guest, J. J.
Harcourt, G. S.
Hawes, B.
Hawkins, J. H.
Heathcote, Sir W.
Hodgson, K.
Hoskins, K.
Hughes, W. B.
Inglis, Sir R. H.
Kemble, H.
Lockhart, A. M.
Mackenzie, W. F.
Marshall, W.
Marsland, H.
Mordaunt, Sir J.
Morpeth, Visct.
Nicholl, J.
Noel, W. M.
O'Ferrall, R. M.
Parker, J.
Parker, M.
Parker, T. A. W.
Parnell, rt. hn. Sir H.
Pendarves, E. W. W.
Price, R.
Pryme, G.
Rice, E. R.
Roche, D.
Rolfe, Sir R. M.
Round, C. G.
Round, J.
Russell, Lord J.
Shirley, E. J.
Somerville, Sir W. M.
Stansfield, W. R. C.
Surrey, Earl of
Tancred, H. W.
Teignmouth, Lord
Troubridge, Sir E. T.
Verney, H.
Wilkins, W.
Williams, W. A.
Wood, T.
Worsley, Lord
Wrightson, W. B.
Yates, J. A.

TELLERS.
Sibthorp, Col.
Wood, C.

The Clause to stand part of the bill.

On Clause 29,

Sir *Robert Inglis* moved to substitute for the word "five," in line 22, the word "six," in order to give persons who held cathedral preferment, together with a benefice, the same privilege as to leave of absence as was enjoyed by clergymen not having that kind of preferment, but holding two benefices.

Lord *J. Russell* objected to the motion on the ground that a party holding two benefices was supposed to reside in one of them during the whole of nine months, the other parish which he held in plurality being at so very short a distance from his first preferment. If he agreed to the Amendment of his hon. Friend, and allowed of three months' absence in the case of a clergyman holding cathedral preferment, the result would be, that only half a year could in any way be given to his benefice, as he would be obliged to reside for three months on his prebend.

Mr. *East* supported the Amendment, as he thought that clergymen holding cathedral preferment, ought to be put upon a par with others.

The Committee divided on the question that the blank be filled up with the word five.—Ayes 70: Noes 28; Majority 42.

List of the AYES.

Adam, Admiral
Alsager, Capt.
Attwood, T.
Bailey, J.
Bailey, J., jun.
Bewes, T.
Broadley, H.
Brocklehurst, J.
Bruges, W. H. L.
Bryan, G.
Bulwer, E. L.
Busfield, W.
Chute, W. L. W.
Compton, H. C.
Dalmeney, Lord
Duke, Sir J.
Dundas, Capt. D.
Ebrington, Visct.
Evans, G.
Fellowes, E.
Fergusson, right hon. R. C.
Goring, H. D.
Grey, Sir C. E.
Guest, J. J.
Halford, H.
Hawkins, J. H.
Heathcoat, John
Hume, J.
James, William
Jephson, C. D. O.
Johnstone, Hope
Kemble, H.
Lister, E. C.
Lushington, Charles
Macleod, R.
Marshall, William
Marsland, Henry
Moneypenny, T. G.
Morpeth, Viscount
Nicholl, J.
Noel, W. M.
O'Brien, Cornelius
O'Ferrall, R. M.
Parnell, rt. hn. Sir H.
Pendarves, E. W.
Protheroe, E.
Pusey, P.
Rice, E. R.
Roche, D.
Rundle, John
Russell, Lord J.
Salwey, Colonel
Seymour, Lord
Tancred, H. W.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Turner, William
Verney, Sir H. Bart.
Vernon, G. H.
Vigors, N. A.
Wall, C. B.
White, Samuel
Wilde, Mr. Sergeant
Wilkins, W.
Williams, W. A.
Winnington, H. J.
Wood, Alderman
Wood, G. W.
Yates, J. A.

TELLERS.
Rolfe, Sir R. M.
Wood, C.

List of the NOES.

Acland, T. D.
Burroughes, H. N.
Cole, Visct.
Courtenay, P.
Estcourt, T.
Freshfield, J. W.
Gaskell, Jas. Milnes
Glynne, Sir S. R.
Goulburn, rt. hon. H.
Grimsditch, T.
Harcourt, G. S.
Heathcote, Sir W.
Hepburn, Sir T. B.
Hodgson, R.
Hughes, W. B.
Knight, H. G.
Lockhart, A. M.
Mackenzie, W. F.
Marsland, T.
Mordaunt, Sir J.
Parker, M.
Parker, T. A. W.

Praed, W. M.
Round, C. G.
Round, J.
Shirley, E. J.
Sibthorp, Col.
Teignmouth, Lord

TELLERS.
Inglis, Sir R. H.
East, J. B.

Clause agreed to.

Clause 42 (by which incumbents are required to answer questions put by the bishop) was next read.

Sir *R. Inglis* thought this clause inquisitorial. Who were to send those questions? The clause gave too much power to the advisers of the Crown, and he would object to it.

Mr. *Goulburn* thought, that the whole power of putting those questions was left to the council. The bishop had nothing to do but to submit and put them. He also objected to the clause as it stood.

Sir *R. Inglis* proposed to omit the words beginning in line nine, "together with such other questions as may from time to time be directed by her Majesty in Council."

Lord *J. Russell* thought, that there was an unseasonable jealousy about the use of these words. The bill, as it was printed, had received the sanction of the Archbishop of Canterbury. It was an absurd suspicion to think, that any questions would be put which ought not to be put. The Crown had already a greater power by law than would be given by this clause. However, if the Committee thought, that the words should be left out, he should not object to their omission. The words ordered to be struck out.

On the question that the clause stand part of the Bill,

Mr. *Hawes* objected, that the clause as it now stood did not contain any penalty on the clergyman for refusing to answer the questions put in the schedule. Those questions were put to enable the bishop to make certain returns which the bill directed him to make, and for the omission to make which he was liable to an indictment. If the clergyman could, with impunity, refuse to answer the questions put to him, the bishop could not discharge the duty which the bill imposed upon him. If a clergyman were refractory, and refused to answer all questions, what could the bishop do as the bill now stood?

Mr. *Hume* would move, that in case of any clergyman refusing to answer the questions put to him by the schedule, he should be fined four per cent. on the value of his living.

The *Solicitor-General* said, that the Committee, in coming at a result that might be considered expedient, ought not to establish a bad precedent and a dangerous principle. The great objection to the Court of Star-Chamber was, that it fined a man for refusing to answer any questions put to him, and that it also assumed the power of fining him for any admission against himself. Such a precedent as the hon. Member's Amendment would be a dangerous and unconstitutional precedent, for it was a principle of British law that no man was bound to answer a question which might tend to criminate himself.

Mr. *Hume*: Then what was the use of having a schedule of questions which were to be put to the clergy if they were not bound to answer? It was quite nonsense.

Sir *H. Verney* thought there was no greater hardship on the clergy to answer questions put to them than there would be in putting questions to officers of the army or navy, which they were bound to answer when they related to their duties.

Lord *Ebrington* thought, that if the Legislature had power to direct the questions, there should be the means of enforcing their answers.

The Committee divided on the Amendment, Ayes 33; Noes 110: Majority 77.

List of the AYES.

Baines, E.
Berkeley, hon. C.
Bulwer, E. L.
Busfield, W.
Clay, W.
D'Eyncourt, rt. hn. C.
Duke, Sir J.
Dundas, Capt. C. W. D.
Ebrington, Viscount
Evans, Sir De L.
Evans, G.
Hindley, C.
Kinnaird, hon. A. F.
Lister, E. C.
Marshall, W.
Marsland, H.
Protheroe, E.
Rundle, J.
Russell, Lord C.
Salwey, Colonel
Scholefield, J.
Stanley, W. O.
Stansfield, W. R. C.
Turner, W.
Verney, Sir H.
Vigors, N. A.
White, A.
White, S.
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Wood, G. W.
Worsley, Lord

TELLERS.
Hume, J.
Hawes, B.

List of the NOES.

Abercromby, hn. G. R.
Acland, T. D.
Adam, Admiral
Ainsworth, P.
Alsager, Captain
Bailey, J.
Bailey, J. jun.
Baring, hon. W. B.
Bewes, T.
Blair, J.

Blunt, Sir C.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H. L.
Burroughes, H. N.
Cavendish, hon. G. H.
Childers, J. W.
Codrington, C. W.
Cole, hon. A. H.
Cole, Viscount
Compton, H. G.
Courtenay, P.
Dalmeny, Lord
Dundas, Captain D.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Elliot, hon. J. E.
Estcourt, T.
Evans, W.
Ferguson, rt. hn. C.
Filmer, Sir E.
Freshfield, J. W.
Glynne, Sir S. R.
Gordon, R.
Goulburn, rt. hon. H.
Grey, Sir G.
Grimsditch, T.
Guest, J. J.
Halford, H.
Harcourt, G. S.
Hawkes, T.
Hawkins, J. H.
Hepburn, Sir T. B.
Hobhouse, right hon. Sir J.
Hodgson, R.
Hope, G. W.
Hoskins, K.
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Johnstone, H.
Jones, J.
Kemble, H.
Knight, H. G.
Knightley, Sir C.
Labouchere, rt. hn. H.
Lefevre, C. S.
Lockhart, A. M.
Mackenzie, W. F.
Macleod, R.
Marsland, H.
Maunsell, T. P.
Monypenny, T. G.
Mordaunt, Sir J.
Morpeth, Viscount
Morris, D.
Murray, rt. hn. J. A.
Nicholl, J.
Noel, W. M.
O'Ferrall, R. M.
Pakington, J. S.
Parker, J.
Parker, M.
Parker, T. A. W.
Praed, W. M.
Prime, G.
Pusey, P.
Rice, E. R.
Richards, R.
Rolleston, L.
Round, C. G.
Round, J.
Russell, Lord J.
Scarlett, hon. J. Y.
Seymour, Lord
Shaw, right hon. F.
Sheppard, T.
Shirley, J.
Sibthorpe, Colonel
Stanley, E. J.
Steuart, R.
Sturt, H. C.
Talbot, J. H.
Thomson, rt. hn. C. P.
Townley, R. G.
Troubridge, Sir E. T.
Verner, Colonel
Vernon, G. H.
Villiers, Viscount
Vivian, rt. hn. Sir H.
Wallace, R.
White, L.
Wilkins, W. A.
Williams, W. A.
Winnington, H. J.
Wood, T.

TELLERS.

Solicitor-General
Wood, C.

Clause agreed to.

Clauses to the 46th agreed to.

HOUSE OF LORDS,

Tuesday May 8, 1838

MINUTES.] Petitions presented. By the Bishop of EXETER, from Stockport, by Lord KING, from Guildford, by the Earl of CARLISLE, from several places in Cumberland, by the Marquess of SLIGO, from Debenham, the parishes of St. George and St. John, Dublin, Belfast, and Great Yarmouth, for the Abolition of the Apprenticeship System in the West Indies.—By the Bishop of EXETER, from Clare (Suffolk), expressive of deep alarm at the encroachments of Popery, and praying for a repeal of the Act of 1829.—By Viscount BERESFORD, from Carlow, and Viscount LORTON, from Roscommon, against the Irish Poor-law Bill.—By Viscount LORTON, from Antrim, against the present system of Education in Ireland.

ROMAN CATHOLIC OATH.] The Earl of *Shrewsbury* said: My Lords, I am sure your Lordships will allow, that it is not without provocation, nor from any desire to trespass unnecessarily upon you, that I am about to address you on the present occasion. So long as the accusations against us appeared to be unsupported either by argument or by fact, we were willing to trust, for a right understanding of the case, to the common justice, and common sense, of the country; and to the ample historical evidence bearing upon the points in question. But now, that new circumstances have come to light, which throw a semblance of truth around the statements of the right rev. Prelate who has so frequently obtruded the subject of the Roman Catholic oath upon the House and upon the public, I do think that an explanation of those circumstances is imperatively demanded of us. The great accusation against us in the present instance appears to be, that Catholics having pledged their oath as the security for their good conduct towards the Church,—that, that security has not only, for a long period, been most shamefully, nay systematically, violated in many quarters,—but that now it is absolutely null and of no avail in any,—being altogether abrogated by a recent decision of the Court of Rome, which the right rev. Prelate, in his prying and unwearied zeal, has ferretted out from its hiding place, and laid, with great pomp and ceremony, upon your Lordships' table.

The accusation goes on to say,—that Dr. Murray was, all the while, well acquainted with the circumstance, and that at length the secret is divulged of the tremendous demoralisation of Ireland.

Now, my Lords, I pledged myself to show, that the oath taken by Roman Catholics, both in and out of Parliament, remains precisely in the same position in which it stood, previous to the discovery of this wondrous correspondence. But as this is a mere matter of fact, depending solely upon the evidence to bear it out, I trust your Lordships will allow me to read that which I have obtained from those who are alone competent to give it, namely, the vicars apostolic acting for the see of Rome in this country. It will occupy but a very few minutes. I should, however, premise that the oath in question has been matter of history, and subject to cavil and discussion, both at home and abroad, ever since the year 1791,—for the oath of 1829 is virtually the same as that which preceded it.

Without entering upon unnecessary detail, it seems right that I should remind your Lordships,—since the right rev. Prelate neglected to do so,—that in 1814, an approbation of this oath was forwarded to this country by Mons. Quarantotti, then prefect of the Propaganda; but, that on the return of the Papal Government to Rome in the following year, Pius 7th withdrew this approbation, because the oath was not to be approved.

Now, my Lords, I ask—why these two published and important documents were so carefully overlooked by the right rev. Prelate? Even a visit to Downing-street was not necessary for their production,—no! they lay ready at hand upon the shelves of his own library! But, my Lords, they would have shown, that the non-approval of Rome, was no such wonderful discovery,—the whole sting of the controversy would have been drawn,—and the Catholic oath and Archbishop Murray, might, for the time at least, have reposed in peace!

Why, my Lords! even the very correspondence moved for by the right rev. Prelate, stands forth in testimony against him;—the very paragraph on which he grounds the whole of his accusation, itself points to those very documents;—but such was his haste and his taste for accusation, that even that was not sufficient warning, that he should inquire before he condemned. To what that inquiry would have led, your Lordships will presently see.

Now, my Lords, in the face of this official disapproval of Rome, the four vicars apostolic, and their two coadjutor bishops, on the 24th of November, 1829, came to the following resolution:—

> "We are all of opinion, that the oath in the New Bill may be safely taken by Catholics; and that it does not interfere with any right of Members of Parliament."

Now, my Lords, since that period, three, at least, of these vicars apostolic, and several of the Irish prelates, have visited Rome; but not one word of reprimand has ever been uttered for this their sanction to the non-approved oath:—the reasons for which will sufficiently appear in the following documents.

The first is a letter from the right rev. Dr. Baines, V. A. of the Western District of England, dated York, April 28th. As the first part of it relates to the interpretation of the oath, and that not being the immediate question before the House, I see no occasion to trouble your Lordships with it:—

> "Of the letter addressed by the Cardinal Secretary of State to the Bishop of Malta, on the 19th December, 1835, I had no knowledge till it was lately noticed in Parliament, but I had long been aware, that if the authorities of the Holy See were consulted on the oath, and required to give an answer, that answer could be no other than what the Bishop of Malta received, viz., a refusal either to approve or condemn.
>
> "This is evidently the purport of the letter of the Cardinal Secretary. It does not give, but evades a decision. To assert that the oath is condemned by that letter, because it is declared not approvable at Rome, is an unwarrantable deduction. Your Lordship will readily perceive the wide difference there is between not approving the formula of an oath, and condemning that oath as unlawful to be taken. There may be a hundred reasons for the former which would not justify the latter. That the Pope should approve a formula so loosely and incautiously worded, containing, moreover, insinuations grossly injurious to the Catholic religion, and to the Holy See in particular, was impossible; but that his holiness should condemn as unlawful an oath which, with his full knowledge and connivance, had been taken, for so many years, as a lawful oath, by the whole body of the Catholic clergy and laity of these kingdoms, was, as your Lordship well knows, equally out of the question.
>
> "I had a long interview with Pius VIII., soon after the passing of the Emancipation Act, viz., on the 4th May, 1829, and the views of his Holiness respecting the oath, were precisely those I have mentioned. It may be proper to state, that I did not seek this interview with the intention of laying the oath before the Pope, or even mentioning it to him, not considering this a case which required a reference to the Holy See, and knowing how averse that high authority is to be troubled with questions which do not exclusively belong to it, particularly such as are not wholly of a religious character.
>
> "I have the honour to be, my Lord,
> "With the highest respect,
> "Your Lordship's most obedient servant,
> "P. A. Baines, V. A. W."
>
> "P. S.—I have conferred with the other Vicars Apostolic on the subject of this letter, and I can take upon myself to say, that it expresses their sentiments also."
>
> "To the right hon. the Earl of Shrewsbury,

The next, my Lords, is a letter from the most rev. Dr. Murray, whose name has been so often and so unwarrantably introduced into their discussions;—

"Dublin, 4th April, 1838.

"My Lord,—In replying to your Lordship's inquiry, if the Catholic prelates of Ireland had any reason to believe, that the oath proposed to be taken by the Catholics in the Emancipation Bill of 1829, was disapproved of by the Holy See, I beg to say, that I have no reason to believe, that any communication whatever took place between the Irish prelates and Rome, on the subject of that oath. I had, myself, no such communication, and I never heard that any prelate or priest, or other person had, until I learned from the public papers within the last few days, that the subject had been brought to the notice of the Holy See by the Bishop of Malta. The Catholic prelates of Ireland were persuaded, that the lawfulness or unlawfulness of the oath was a point of morality on which they were themselves competent to come to a decision, without a reference to any other quarter. It is, however, fair to add, that I have at all times disapproved of that oath as unnecessary, insulting, and calculated to excite conscientious scruples in timorous minds, when not sufficiently acquainted with the animus of Parliament in proposing it. But whilst I could not, in this sense, approve of it, I have never condemned it as unlawful; and I need hardly assure your Lordship, that, when taken, I would be wholly incapable of asserting, or even hinting, that it does not impose on the consciences of those who take it, a religious obligation of observing it strictly, according to the sense and meaning in which it was proposed.

"As to the malignant charges respecting this oath, which have been recently circulated under the head of Parliamentary Intelligence, against me, and the Catholic clergy of Ireland, I will not stoop to notice them—they do more harm to the accusers than to the accused. The very writer who penned them could not have believed them to be true.

"I have the honour to remain, with the highest respect,

"My Lord,

"Your Lordship's faithful, humble Servant,

"D. MURRAY.

"The right hon.
the Earl of Shrewsbury, &c."

Now, my Lords, I think it is quite clear, that the oath is, at any rate, just as efficacious now, as it was from the beginning, and that the whole weight and virtue of the right rev. Prelate's argument, being built on the contrary presumption, necessarily falls to the ground.

I will not trust myself to dwell upon how little it seems consistent with the justice, and charity, and good-will to all men, which ought to shine so conspicuously in one of so exalted a station in any Christian community as the right rev. Prelate, to have brought forward such grave and deadly charges, upon such loose and insufficient grounds—grounds which a moment's inquiry would have dissipated—charges, not merely against so respectable and so respected a personage as Archbishop Murray, but against a whole priesthood, —and through that priesthood, against every member of the Church of which they are the pastors. Neither, my Lords, I can assure you, are the other arguments of the right rev. Prelate of any stronger texture; nay, not half so plausible and so strong, which, in conjunction with this, have induced him thus to give vent to his indignation.

"It was painful to him," says the right rev. Prelate, "to make these remarks upon the bishops and clergy of another communion, but it was a duty from which he would not shrink, for he felt it to be deeply important, that their Lordships should see the real causes of the tremendous demoralization of that country; it was to the directions of the priesthood, and the mandates of the bishops, that they must refer that utter disregard of the sanctity of an oath, and the entire inattention to all that had been deemed sacred in life."

After all, my Lords, I suspect it was much more painful to me to hear those denunciations, than it was to the right rev. Prelate to utter them. But be this as it may, I will neither insult the understanding of the House, nor degrade the religion I profess, by any detailed defence against such foul and insulting charges. I will simply defy even the most prying scrutiny of the right rev. Prelate to show, that a severer code of morality, touching the observance of oaths, has been ever taught at any period, or in any country, or by any Church, than is now, and ever has been, by this most deserving, but most calumniated clergy of Ireland.

My Lords, I gave notice that I would not argue the interpretation of this oath; I will merely state it as my ultimate conviction, that there is no intermediate course; you must either disfranchise and disqualify us altogether, or we must be considered equally honest in our intentions, and free in our judgment, as to what is, and what is not injurious to the Church, as any other members of the Legislature. And I cannot but consider the constant introduction of this topic, for matter of debate, as injurious both to the privileges and the dignity of Parliament.

From the manner, too, in which it is ever treated by the right rev. Prelate,—though happily by him alone,—it becomes necessarily offensive to some of his hearers, since he never fails to connect it with questions of polemic controversy, which, I am sure, of all things, ought to be most carefully excluded from these walls. Heaven knows we have contentions enough amongst us, without seeking for any fresh cause of disagreement.

And I think, my Lords, if it were only upon this ground, we cannot too strongly deprecate the course pursued by the right rev. Prelate, who, twice within three weeks, introduces the subject to the House, with speeches of nearly two hours and a half in length—makes detailed comparisons between the two Churches—gives his own exposition of our doctrines—takes up some crude, abstract proposition, and by the most strained and unwarrantable construction, adapts it to his own views—passes off an attack upon the abuses of the Church, as an attack upon the Establishment itself—calls up in judgment before him even the learned Member for Dublin, and convicts him out of his own mouth, but upon fabricated evidence—not content with the calumnies of modern days, goes back nearly 200 years, to quote, (aye, and to misquote too,) what I can call by no other name, than, the lying venom of an excommunicated friar, as good and honest testimony against us,—and then, to crown all, pronounces a solemn denunciation of manifest and wanton perjury against the priesthood of a whole Church, upon some ignorant and hasty surmise of his own!!!

My Lords,—the right rev. Prelate draws largely upon the credulity, and presumes much upon the ignorance of his audience, and not a little, I suspect, upon the want of able advocates for the accused. Secure of a momentary triumph, because he knows full well, that none can answer at the instant, accusations which it has taken weeks of labour and of study to concoct, the right rev. Prelate comes down, ready charged from his great magazine of combustibles, and drives headlong over his unsuspecting victim! From the thinness of your Lordships, benches on occasion of these displays, the victory, 'tis true, seems but little appreciated here; but to compensate for its failure in the House, it is blazoned forth with seven-tongued trumpets out of doors.

Would to heaven, my Lords, this evil were arrested! But if you would do so, you must look deeper than the surface. And here, I trust, I shall not be considered as travelling out of my way, by saying a few words upon what I conceive to be, the true cause of all this trouble and turmoil.

My Lords,—the continued agitation of those questions, the satisfactory adjustment of which, has long been acknowledged upon all hands, to be absolutely necessary for the pacification of Ireland, is, I take it, the sole source of the whole evil. The Church was declared to be in danger, and such was the zeal of her friends, that few stopped to inquire into the justice of the means to be employed in her defence, It was a much easier task to lead the ignorance, and to excite the fanaticism of the people, than to reason them into the approbation of that which was manifestly unjust and untenable. To decry their presumed enemies, therefore, was the policy to be adopted; and all the calumnies that had been invented during three centuries of persecution were raked together for the purpose; while the most "ingenious devices" were resorted to, to render the poison still more palatable to the public taste. What was advanced with so much boldness, and maintained with such unrelenting pertinacity, could not be false;—and too many (like the members of the Protestant Association) soon became impressed with the conviction, that Catholicity was the most deadly curse that ever afflicted the nations of the earth;—too many (like the right rev. Prelate, and chiefly perhaps through his instrumentality,) were just as forcibly persuaded, that we belonged to a Church "whose priesthood," (and I use his own words) "had effectually laboured to remove every sense of the sacredness of an oath, and which was justly loaded with the scandal and the guilt of perjury." Delusive as are these convictions, it is not for me to question their sincerity; for doubtlessly in this great conspiracy against truth and justice, there were some honest men to lead, and many honest individuals to follow.

I have long admired the integrity of character, and the honesty of purpose of the noble Earl opposite, (Earl of Winchilsea) who, if he has not presented, has at least seconded the presentation of petitions to this House, on the subject of this oath, from the Protestant Association. It was, therefore, with much deeper regret,—for his sanction gave them a character they might not otherwise have deserved—that I have noticed that noble Earl to take the lead at meetings convened for no other purpose that I can discover, (for they are not deliberative assemblies,) convened for no other purpose, than to vilify the religion of one third of the population of these islands;—meetings, at which no one is allowed to gainsay, and refute the calumnies and misrepresentations, so ostentatiously brought forward, for the purpose, (for I can see no other) of exciting a popular clamour against the religious principles of those, whose only crime is in seeking for a further mitigation of the evils they have so long endured, and the partial and unjust continuance of which, is now the only bar to the internal peace and prosperity of the whole empire. But, my Lords, this was a consummation, not to be endured, because it was supposed to be—most falsely do I think supposed to be—inimical to the interests of the Church.

My Lords, I accuse no one of intentional misrepresentation. No one, I trust, is more willing than I am, to make the most ample allowances for the prejudices of education, and for the blindness with which misguided zeal seems to overspread the understanding. I state the facts, without impugning the motives;—but the fact is, that from those meetings, the most false, foul, and calumnious statements are sent forth to the world,—to travel uncontradicted from one end of the kingdom to the other,—exciting a spirit of undeserved and unchristian hatred, against the professors of what was once, (and for a long and a brilliant period too) the established Christianity of these countries.

Why, my Lords! if Catholicity were what it is daily, nay, hourly represented to be, by that portion of the public press, opposed to the existing Government of the country—if it were what it is constantly asserted to be, by that multitude of farthing tracts, so widely and so industriously circulated, under the sanction of some of your Lordships—if it were what it has too often been stated to be, (to use the words of the reporters) before "fashionable assemblages of female beauty" at Exeter Hall—if it were this, or any thing like this, or any thing approaching to this,—it would be a system which had long since been crushed under the weight of its own vice and iniquity. No! it never would have needed the exuberant zeal now brought into play against it, for its destruction; if it were this, or any thing like this,—it were a religion, the professors of which, I am sure, ought never to have been admitted upon the same benches with your Lordships! No, it never would have needed a petition to dislodge us, for we never should have been here!

My Lords,—these calumnious aspersions upon our religion, to any calm, reflecting mind, should carry folly and absurdity—at the very least, doubt and hesitation—upon the very face of them. Catholics, my Lords, are not a mere handful of ignorant people scattered throughout a desert;—they are the millions, occupying the most civilized portions of the world,—mingling in all the haunts of men,—attaining to the highest eminence both in literature and in science,—and withal, full as wise in their generation as others;—and are these the men, my Lords, to believe in the follies and abominations imputed to them by their calumniators? The very supposition is absurd, and the thing altogether incredible. I ask you not to take a contradiction to these calumnies from me—I ask you to hold them contradicted by 150 millions of Catholics of the present day—I ask you to hold them contradicted by thousands of millions, by the good and the great of every generation that has preceded us!

My Lords, I have thought fitting, under the circumstances, to trespass upon you with these few observations. I have now to implore your Lordships, when those questions again come before us, which have already been so frequently presented to your consideration by the Crown, though never so auspiciously as at the commencement of a new reign,—I implore you to bring those questions to a happy and successful termination; and thereby also to terminate, or at least to calm, that religious war which is now raging throughout the country—a war, vilifying and degrading to religion itself—a war, which blinds the judgment and perverts the reason of men—a war, which gains in acrimony just in proportion as the agitation of these questions is prolonged, and which, I am satisfied, owes its origin to them, since it exists in no other country in the world.

I still hope to see the day when kindlier feelings will prevail,—feelings that the discussions to which the right rev. Prelate has so often treated us of late, seem but little calculated to promote,—and that we may at length enjoy the same religious peace and harmony here, which now so happily subsists, with perhaps one slight, and I hope transient exception, in every other country in Europe, in which there is a mixed population of Protestant and Catholic.

Gladly, my Lords, would I have concluded here, were it not for another point which, in justice to ourselves as well as to the right rev. Prelate, I think it necessary to notice, namely, the quotation from Walsh's History of the Irish Remonstrance, which the right rev. Prelate gave us in his speech of the 1st of March, and to which he again triumphantly alluded on the 27th of the same month.

Your Lordships will recollect, that upon the former of those occasions the right rev. Prelate paraded before us a quotation, certainly a most calumnious quotation, from Walsh, whom he represented as a most learned, pious and honest man.

Now, my Lords, upon inquiry,—and I beg your Lordships' attention to these points, since so much stress has been laid upon the character of this person,—upon inquiry, I find, that this pious man was an excommunicated friar! And where do I find this? Why, under his own hand, in the very next page, in the very next paragraph of the work from which the quotation is taken! And why was he excommunicated? For violating his oath to his superiors! So that I think he is not exactly the man on whom the right rev. Prelate would again bestow the epithet of pious, nor exactly the man on whose testimony he would rely the most implicitly.

Walsh, my Lords, was little better than an apostate; for Burnet says of him, that he was the most honest Catholic he ever knew, because he was almost wholly a Protestant. But Burnet would have been shocked to learn, that Walsh's honesty did not stand true to him to the end, for in his latter days he repaired all the scandal he had given, by every means in his power, and again became wholly a Catholic.

The right rev. Prelate told us, that Walsh had said, that Catholics were taught to dissemble upon the oath of supremacy, because that was not an indispensable article of their communion. But surely, my Lords, the right rev. Prelate must have known better than that. Surely he must have known that Sir Thomas More, and Bishop Fisher, two of the most virtuous men of the age in which they lived—men who would have been an ornament to any age or to any country—and numbers of others, had lain down their lives upon the block for this very article alone! Why, my Lords, the oath of supremacy was the very touchstone between the two Churches—between Catholicity and schism; it was framed for the very purposes of separation. And Walsh, my Lords, was too learned a man not to know this, just as well as the right rev. Prelate!

Walsh was a mere cat's-paw of the Duke of Ormond's—and that for the very worst of purposes—to sow dissentions amongst the persecuted members of his own communion, with a view of weakening their influence against the Government, and of creating, what Burnet calls, a revolt of the soberer part of that Church.

With all these, and many other imperfections upon him, I think it required some little art on the part of the right rev. Prelate to introduce Walsh to your Lordships as a pious and an honest witness against the priesthood of Ireland.

But, my Lords, if there was art here, how much more has been displayed in the management of the quotation with which the right rev. Prelate has favoured us!

> "What, (says the right rev. Prelate), was the history of the necessity for enactments which required Catholics to take an oath abjuring the dogma of transubstantiation? It was this—they were found not to have adhered to their other engagements. A remarkably learned and pious ecclesiastic, in the reign of Charles the 2nd, one perfectly conversant with all that had passed in these troubled times, named Father Walsh, who wrote a history of the Irish Remonstrance of 1661, addressed to the Catholics of England, Ireland, and Scotland, in page 15 of that work, gave his reasons for that oath:—
>
> "'Their missionaries (i. e. their Jesuit Priests).'"

Now, my Lords, it is rather singular that the word "Jesuit" is not to be found in the original. If it were here inserted by the right rev. Prelate to give a greater zest to the calumny—to make it more greedily devoured by the multitude—just by way of a *sauce piquante*—it certainly was well imagined; for a Jesuit, of all men in the world, is the easiest to run down upon a bad name. Neither will it avail the right rev. Prelate to allege, that the missionaries must necessarily have been Jesuits. It was no such thing. They were Franciscans, (of whom Walsh was one), Capuchins, Benedictines, Dominicans, Carmelites, Secular Priests, and Jesuits; and if the truth were known, I'll be bound to say, that the Jesuits were not one in twenty!

> " 'Their missionaries (*i. e.* their Jesuit Priests) labour to infuse into all their penitents all their own principles of equivocation and mental reservation in swearing any oath, even of allegiance or supremacy, to the King, and forswearing anything or doctrine whatsoever, except only those articles which by the indispensable condition of their communion, they may not dissemble upon oath. That the tenet of transubstantiation is one of these, therefore, &c.'
>
> " That was the statement of a great Roman Catholic ecclesiastic, much attached to the service of the Duke of Ormond. And it was in consequence of deceptions which had been practised on the Duke of Ormond that the book, from which he had read the extract, was published by Father Walsh."

Now, my Lords, the right rev. Prelate here represents Walsh—one so perfectly conversant with all that has passed—he represents him as speaking in his own person—publishing his own opinions—vouching, good pious man! for the truth of all that he related! But what will your Lordships' astonishment be to learn, that Walsh is not speaking in his own person, is not representing his own opinions, but the opinions of those whom he calls the law-makers—the makers of the laws—of the persecuting laws, against the Catholics!

Walsh's argument is this—that it is not to be supposed, that so many enactments have been passed against Catholics, merely on account of their real religious tenets, which were innocent enough. No! says he, the law-makers first of all persuaded themselves—that is his expression—persuaded themselves, that Catholics in general, believed in the deposing doctrine in its fullest extent, and in the lawfulness of dissembling upon oath; and, having persuaded themselves of that, then, says he, transubstantiation was attacked, harmless as it is, because "of the mischief," (and I use his own words,) " which they conceive to go along with it, through the folly of Roman Catholics in these dominions." The law-makers conceive, that the missionaries go about deluding the people. That, my Lords, is what Walsh says. But, so far from declaring that they do so, (as the right rev. Prelate represented him)—he who was so perfectly conversant with all that was passing—he says just the contrary! For, in the very next paragraph, he makes a most lamentable outcry, because these three tests, as he calls them—the Oath of Supremacy, the Oath of Allegiance of James 1st, the Irish Remonstrance—were all three, (and I again use his own words) " with so much rashness and wilfulness, and so much vehemency and obstinacy, declined, opposed, traduced, and rejected, amongst them" (the Roman Catholics in these kingdoms). Instead of asserting, or even insinuating, that Catholics took these oaths under a dissembling interpretation, or that their doctrines taught them so to do, as the right rev. Prelate would lead us to believe, Walsh, (he who was so perfectly conversant in all that was passing)—his accusation and reproach all along is, that they declined and rejected them! So that, my Lords, what the right rev. Prelate intended as a dishonour to us, comes out with but little credit, to the accuser.

The right rev. Prelate goes on to say, that it was in consequence of the deceptions, that had been practised on the Duke of Ormond, that Walsh wrote his book! But where does the right rev. Prelate discover this? I can find nothing of the sort. The deception seems to have been all upon the other side. Take one example out of many,—when the Synod of 1666 renounced the deposing doctrine in the most clear, explicit, and unequivocal terms, the Duke of Ormond refused to receive it, because it was not in his own captious form; for that only could answer his object, which even Carte says, and he says it upon the authority of Ormond himself, " was to work a division of the Romish clergy." That, my Lords, was Ormond's purpose, and it was for that purpose that he employed Walsh as his tool.

The deceptions practised upon Ormond! If the right rev. Prelate had just reversed his proposition, and had said, the deceptions practised by Ormond and Walsh upon the Catholics, he would have been much nearer to the truth, though perhaps much further from his mark!

But, says the right rev. Prelate, they

were found not to have adhered to their other engagements, therefore a stronger test was necessary, to bind or to exclude. But, my Lords, what those other engagements were, the right rev. Prelate has yet to tell us, and your Lordships have yet to learn. But it was a point with the right rev. Prelate to pass us off as systematic violators of our engagements—to show us up as old offenders on this count!

The real object of those tests, as your Lordships well know, was not mere exclusion, but extermination—not as a punishment for any violation of former engagements—but because, on the most false and unjustifiable pretences—for purposes of rapine and plunder in one country—and to gratify the bigotry of the times in another, it was determined to pursue a system of the most barbarous and unrelenting persecution.

But they were found not to have adhered to their other engagements! What does the right rev. Prelate mean? If he allude—as perhaps he may—to the Rebellions, which followed, in pretty quick succession, at one period of the history of Ireland, then, my Lords, I say, if after experiencing, for above a hundred years, the most barbarous and cruel treatment that any nation has ever yet been known to endure—and if, at the expiration of that term, instead of a fulfilment of the promises—the solemn and oft-repeated promises—made to them by the Crown and by the Government, each year only brought an increased activity and intensity to their sufferings—and if, as a last hope against extermination, they rebelled—and that rebellion is to be styled a violation of their engagements—then, my Lords, I envy not the man who designates it by such a name!

But they were found not to have adhered to their other engagements! What does the right rev. Prelate mean?—Why, I ask, did he refer to Walsh at all, and to those troubled and calamitous times in which he lived? If it were to warn your Lordships against the continuance, even in the most mitigated form, of that wretched, miserable, and crooked policy, which then prevailed in Ireland, I should applaud his wisdom and respect his motives. But, if to torture the extravagant ravings of some furious partisan, such as Walsh undoubtedly was, (and a more false and extravagant writer I believe never existed,)—if to torture the ravings of this pious man, into a criminal, nay, a slanderous, accusation against millions of his fellow-subjects of the present day, the right rev. Prelate scruples not to stir up the bitter animosities, and to revive within our memories the heart-rending history of that ill-fated period—I neither admire the means nor the end!

Here, my Lords, is an end of my case. —But, I ask, why so many blunders on the part of the right rev. Prelate,—why so many mistakes within so small a compass? Unfortunately they all tell desperately against us! all place Catholics in the most odious light! all tend to the right rev. Prelate's purpose! Has this, then, been purely accidental? or is it one of those ingenious devices so fashionable in the present day? I leave it to the right rev. Prelate to answer!

Lord *Vaux*, in seconding the motion, expressed his regret, that the attacks of the right rev. Prelate had driven the noble Lord to bring this matter before their Lordships, and suggested the propriety of the right rev. Prelate himself proposing a form of oath to be taken by Roman Catholics which could not be misunderstood.

The Bishop of *Exeter* would endeavour to compress his observations within a very small compass, but he was afraid, that he should be compelled to occupy their time for a quarter or even half an hour. He would, however, set aside every thing of a personal nature; for he did not suppose that either of the noble Lords had intended to say any thing to hurt his feelings; and knowing that naturally they must be anxious for their brethren of the Catholic Church he was quite ready to take in good part all that had been said as to the disingenuousness of his conduct. But he confessed, that he did feel surprised that the noble Lord who had last addressed the House should have thought fit to talk of his having accused any one, especially of those sitting in that House. He would have defied the noble Baron who had last spoken, and who had not on the former occasion had a seat in the House, to have spoken as he had, if he had known the clear, distinct, and positive terms in which he had expressed his entire confidence in the honour and integrity and careful observation of their oath, not only of the noble Earl, but of every Roman Catholic Member of their Lordships' House. Words could not go further;

and, having said so much, he hoped that he might dispense with every thing which had been stated in this and former debates connected with the feelings of those noble Lords. The main question, though it had been overlooked, and a reference made to the histories of James 1st and Charles 1st, to which he would not advert, was the letter of the Bishop of Malta; and he had been a great deal surprised to hear the manner in which the noble Earl had thought fit to characterize the proceedings of the holy father, for he had said that the answer of the Pope to the letter of the Bishop of Malta was clearly intended to be an evasion. He could scarcely conceive a greater degree of disingenuousness than that which the noble Earl, a faithful son of the Church of Rome, imputed to the holy father when he talked of his answer being an evasion. The letter of Cardinal Burnetti to the Bishop of Malta commenced by informing him that the question had been submitted to his Holiness, and it might safely be said that any authority worth consulting upon a point of conscience might, from the commencement of that letter, be supposed to intend to answer the question put, and yet they were assured the answer was all an evasion. It happened that the words in the original were stronger than in the translation; for in fact the Bishop of Malta applied to Rome for its "oracle"—that was the very word used; and at length the Court of Rome gave that oracular response, which amounted at last to this, "that the Bishop of Malta would see the obstacle which existed to his becoming a member of the Council, and a still stronger one in the oath which was required to be taken. The form of that oath having been examined, and the requisite information obtained, he was informed that it was not and never had been approved of by the Holy See." That, it was said, was clearly an evasion. The noble Earl, a faithful son of the Church of Rome, said that the holy Church and father had determined to evade the question, and that was the statement of an individual who had talked of his disingenuousness in not reading the whole of a quotation. He had been charged with wilful suppression, because the passage went against his argument; but it often happened that persons took a false estimate of their opponent's argument, and he would state, that his only reason for not reading the whole of any passage had been, that it would make a long speech longer. But he had now furnished himself with more little documents, which showed that applications had frequently been made by the Bishops in England and Ireland to the Pope of Rome upon the subject of oaths, and he would begin with a little earlier period. He would not, however, go back to so distant a date as that of James or Charles, but he would begin with the commencement of the present state of the laws in this country. In the reign of George 3rd the Roman Catholics had for the first time been admitted to office upon taking the oath prescribed by the statute of the 13th or 14th of George 3rd. Before that oath was taken the Roman Catholic Bishops applied to the Court of Rome to know whether they might take that oath. Upon that occasion they implored the Pope to have some feeling for his poor children in Ireland, and stated that, in consequence of being prevented from taking the oaths of allegiance, they were still exposed to the system of bitter persecution. The Pope was then pleased to say, that he would indulge them with that permission. That oath, however, did not satisfy all the apprehensions of the Protestants of this country. In 1789 a large portion, indeed almost all the considerable Roman Catholics, amongst whom was the predecessor of the noble Earl, were anxious to be thought worthy of admission to the whole of the Constitution, and desired to give a further pledge of their civil principles on the particular points on which the most apprehension was entertained. Accordingly, the English Committee drew up a protestation, in which they declared that they did not hold as essential points of their religion the infallibility of the Pope, his deposing power, or his right to absolve subjects from their allegiance. They protested that they held no such opinions, and upon that protestation an oath had been framed, to be introduced into a bill for further relief, certainly with the concurrence—he believed the assistance—of many of the Roman Catholic priests. Subsequently, when they looked at the form of the oath, the vicars apostolic gave it as their opinion that it had not been sanctioned. Their censure had the concurrence of the bishops in Ireland and Scotland, and finally received the ratification of the Pope. Before this censure was thus ratified by the Pope remonstrances against it were addressed to the vicars apostolic, in a letter from the Lords Stourton and Petre, Sir H. Englefield, Sir John Throckmorton, Messrs. Townley and Homeyold, as well as two clergymen, one of whom, the rev. John Wilkes, persevering in his advocacy of the oath, after the ratification of the censure of it by the Pope, was punished by his bishop, and compelled to recant. For this the bishop received the especial thanks of the Propaganda, in these words:—

"Most Illustrious and rev. Lord, our Brother,—Your Lordship's despatches of the 18th of October afforded singular satisfaction to their eminences the fathers of the congregation. They were gratified, not only by your report of the present prosperous state of religion in England, but by the zeal with which you had subdued the boldness of the missionary, *Joseph Wilkes*, who, in conjunction with others, had opposed the encyclical letters of the vicars apostolic against the oath proposed to the Catholics. Your conduct in compelling that person, by ecclesiastical censures, to return to his duty and make the necessary recantation, was so approved by their eminences that they judged it suitable to decree your Lordship their distinguished thanks.

"I am, your Lordship's brother,
"L. Cardinal ANTONELLI, President.
"Rome, March 10, 1792."

That very oath had been drawn up almost in the terms of the protestation, and that protestation had been assented to by three of the vicars apostolic. In 1813 it was known that a bill had been brought into the other House of Parliament, and had nearly passed that House, which contained the form of an oath, and that oath, as well as the other provisions, had been submitted by the vicar apostolic of London to the court of Rome, to know whether the Catholics were at liberty to take that oath. It appeared that in Ireland the feeling was exactly opposite to that in England; for in England they were as eager to give security as they were in Ireland to refuse it. On account of the rescript of Cardinal Quarantotti, received on that occasion, it appears that " Doctor Murray went to Rome as delegate of the Irish Popish Bishops, to make their remonstrances; that rescript was revoked by the Pope, as having been issued without due deliberation in his absence, and this matter was referred to a special congregation. The noble Earl forgot to inform their Lordships that a great majority of the Roman Catholics of England had been delighted with the rescript of Quarantotti, and had addressed the Pope on the subject in the following words:—

"That they had lately with unspeakable joy received from those venerable men to whom his Holiness had in his absence delegated the power of inquiring into, and sanctioning by their approbation, the conduct of the faithful, a rescript, &c.; and expressing their confidence that they should receive the assurance that these venerable depositaries of his authority during his captivity, have spoken the genuine and full sentiments of his Holiness's paternal heart towards the faithful of these countries."

As the noble Earl had evinced such anxiety that everything should be brought forward, he was astonished that the noble Earl had not called the attention of the House to an important document, which had been approved of by the Pope, and had been sent by his full authority, as containing the sentiments of the Pope respecting the oath which he would permit the Roman Catholics to take. The noble Earl had not been informed by those individuals who had supplied him with information on other points respecting a letter of Cardinal Litta, which contained an intimation to Dr. Poynter of the opinion of the Pope. The following letter, it was to be observed, had been addressed by Cardinal Litta to Dr. Poynter, the Bishop Apostolic of the London district:—

"Genoa, April 26, 1815.

"Most Illustrious and most Reverend Lord —Your Lordship has lately informed me of your speedy return to England, earnestly entreating me, at the same time, to put you in possession of his Holiness's ideas respecting the conditions that would be allowed, with a view of enabling the Catholics to obtain from the Government the wished-for Bill of emancipation. His Holiness has been pleased to communicate to me his sentiments with regard to the only terms which, after rejecting all those that have hitherto been proposed, his dear Catholic children of Great Britain may admit with a safe conscience, should the Bill of their emancipation, as has long been expected, have passed. The subjects which come to be taken into consideration, namely, those which the said Government for the tranquillity and security of themselves and the State, so far as the Catholic subjects are concerned, appear anxious to settle on a firm footing, are, first, the oath of allegiance. In the event of the emancipation, so as it be favourable to the Catholics in general, his Holiness will permit them to adopt for their oath any of the three forms following, &c."

"In no one of the three is there a single word respecting the Protestant Establishment, or Protestant succession to the Throne. One of the forms has the following:—I will defend the succession of the Crown in the family of his Majesty."

With this letter there were given three forms of oaths of allegiance which the Roman Catholics were permitted to adopt. He would read the three forms if the noble Earl desired it. [The Earl of *Shrewsbury:* Had no wish upon the subject.] Not one of those three forms which the Roman Catholics were permitted to take as a security to the Church and State of England, contained one single word of the Protestant Establishment or of the Protestant Succession to the Throne. There was a glaringly purposed abstinence from alluding even to the Succession to the Throne; but it only permitted the Catholics to swear that they would preserve the Throne in the family of his Majesty. The Pope told them not to give any such security. The noble Earl said nothing of the Catholics going to Rome with the oath; if they did, they would have to encounter the frowns of Rome, for the Pope did not forget, though the noble Earl might, the letter which had been written by Cardinal Litta in 1815. Now, he had taken it that when Archbishop Murray was in Rome when the discussion was going on about the Bishop of Malta, that he must have known something of the matter. There was, too, at one time, a Bishop Apostolic of the district which the noble Earl honoured with his residence. That Bishop Apostolic, Dr. Milner, the noble Earl, while in his district, was bound to obey in scriptural matters. Dr. Milner was known to be a very violent, but not always a very consistent man, but who still, he believed, was as honest as any other Vicar Apostolic in the country. Dr. Milner's opinion was thus expressed in the form of a syllogism:—

"On looking back to the passage quoted from the 'Pastoral' (of Dr. R. R. Poynter, V., of the London district), its writer will be found to have expressly asserted that it exclusively belongs to the province of the Legislature to make adequate provision for the maintenance of the religious establishment of this kingdom.' Now, this evidently supposes, and is grounded upon, the false and religious principle of Erastus and Hobbes, that any Government has an inherent right to establish whatever creed and worship it may at any time prefer within its own dominions. To consider the assertion apart, and as it is laid down, it is evidently false and censurable, upon Catholic principles, as appears from the following syllogism:—It does not belong to the province of any man, or body of men, to make provision for the maintenance of a schismatical religious establishment, but the religious establishment of this kingdom is schismatical; therefore, it does not belong to the province of the Legislature of this kingdom to make provision for the establishment of it."

Now, he believed, that Dr. Milner knew more of the doctrines of the Roman Catholic Church than any one of the authorities which had been quoted by the noble Earl. Upon this point he wished to state what had been admitted by Dr. Slevin (the head of the Dunboyne establishment, connected with Maynooth College) before the Commissioners for Education in Ireland. The right rev. Prelate quoted the following:

'Examination of the rev. N. Slevin, D. D., Prefect of the Dunboyne Establishment, and, as such, Principal Instructor of the Chief Students in Divinity.

Q. "We will now look to the text of the decretal itself: Pro juratione incautâ imponi fecimus Episcopo pœnam congruentem; et primò, quia non juramenta sed perjuria potiùs sunt dicenda, quæ contra utilitatem ecclesiasticum attentantur. Is not the position clearly laid down in that passage, that an oath taken by a bishop against the utility of the Church amounts to a perjury?

A. "All will acknowledge that an unlawful oath never binds; an oath taken against the rights or real utility of the Church must, according to the Pope, be an unlawful oath, and, therefore, cannot bind: but anything that is lawful, according to the just laws of God and man, cannot be considered opposed to the real utility of the Church. The Pope's principle is admitted by all. I am not bound to answer for the application.

Q. "Who is to judge in that case as to the lawfulness of the oath?

A. "In things relating to the jurisdiction of the Pope of course the Pope considers himself authorised to pronounce whether an oath be lawful or not; any superior who considered himself possessed of a right to interfere in the matter in question, would also consider himself authorised to form a judgment on the lawfulness of the oath, and ought to form a judgment. A Judge or magistrate will declare an oath does not bind when he finds it is opposed to the principles of equity or to the law of the land."

Dr. M'Hale, who was professor of dogmatical theology, was asked as to the power of the Church dispensing with oaths:—

"Dr. M'Hale, p. 283, being asked respecting a proposition in Bailly, 'Existet in Ecclesia potestas dispensandi in Votis et Juramentis'—

a proposition proved, first, from Matt. xviii., 'Whatsoever you shall loose on earth shall also be loosed in heaven,' admits this in the sense in which it is laid down by the author, but he says there are limits to this power. 'When I say that the Church has the power of dispensing from oaths I understand that the Church is then the interpreter in some measure of the Divine will.' If there was an oath or a vow which was impossible in its performance, or which would clash with other duties of a more imperative nature, as there may be sometimes conflicting duties, then the Church is only expressing the will of the Almighty himself in releasing a person from the inconvenient obligation of an oath or vow, which would trench upon a superior obligation. In casuistry the shades between right and wrong may be sometimes so very indistinct as not to be seen by an ordinary eye; then the Church, being the interpreter of the Divine law, only decides what seems best in the particular case. The Church is the judge of what is expedient or not in a doubtful case, and like every other tribunal may be deceived in any particular case.

"We find it laid down in p. 145 of that Class Book (Bailly, 2d vol. on 'Moral Theology,') that the following are just causes of dispensation, viz:—First, the honour of God; second the utility of the Church; third, the common good of the republic; fourth, the common good of the society. Who is to be judge of what the utility of the Church may require?—The superiors of the Church."—Moral Theology, 140.

"In order to explain more fully our doctrine of dispensation of oaths, I wish to observe that there is nothing in our principles at variance with those of sound jurists and civilians of every creed. If any person should take an oath which may clash with the duty which he owed to another he is absolved from that oath; he is told, 'You are not bound to fulfil it.' The Church, in granting the dispensation, only declares to the individual that he has contracted, or attempted to contract, by that oath, an obligation which is contrary to another duty. Every duty springs from God; and as God cannot contradict himself by requiring incompatible duties, the Church only interprets the Divine will, while she releases him from the obligation of his oath. In extraordinary cases (cases where persons may reason each way), in which ordinary persons are not able to decide, I am always to be directed by the superior."

"When you say, that the Church has the power of dispensing with oaths, do not you mean the superiors of the Church, and particularly the Pope?—The Pope and the bishops. In some cases the bishops—in all the Pope, that is, in those cases in which they are dispensable."

"Is there any case in which a dispensation can be granted, in which the Pope cannot do it of himself, or in which it is necessary that there should be superadded to his power the power of a bishop?—No; I know not any.

"Is not an oath strictly a religious act?—Yes—ye call the Almighty to witness.

"Does it not therefore fall correctly within the principle of the spiritual jurisdiction of the Pope, as distinguished from discipline?—Yes, it does; but, at the same time, if the dispensation should clash with any defined clear duty which I owe to any authority, I am of course to disregard the dispensation, I, myself, being the judge, if it is a clear case.

He thought, then, that he had shown that the Pope was recognised as having the power of declaring what oaths were lawful and what what were not, and of dispensing with the obligation of an oath when it was regarded as contrary to the utility of the Church. The noble Earl had talked at very great length of the quotation which he had made from Father Walsh. He re-affirmed the accuracy of his statement. He thought, that the passage referred to occurred in the dedication. [The Earl of *Shrewsbury*: No, in the preliminary dissertation.] Then, in the preliminary dissertation, he took it that Father Walsh spoke in his own person, and he thought too, that it was addressed in the first person to Roman Catholics. He still persisted in saying, that he was warranted in all he had declared; but the question was a wearisome one, and it would now take up too much time to enter into it. The noble Earl had spoken harshly of Father Walsh. Bishop Burnet called him "an honest man," and though it was probable that the authority of Bishop Burnet had as little weight with the noble Earl even as his own—yet still he must call Father Walsh an honest man. The noble Earl regarded Father Walsh very nearly as an apostate, and at one time he was very near apostacy; he should have liked the Father the better if he had become a Protestant, but it seems he did not; he "relapsed," or, to use the word of the noble Earl "repented," and he then might be said to be as good a Roman Catholic as any other, and to have died in peace with his Church. There was one remarkable passage in Bishop Burnet's "History of his own Times" which he could not avoid reading for their Lordships. It was expected that the peace of Utrecht would be made a matter of discussion before the House of Lords. For very special reasons the Government of that day did not wish for a discussion. Bishop Burnet afterwards published his speech, and amongst other good things it contained, he told this remarkable anecdote. They all knew that Bishop Burnet enjoyed the confidence of the King, whose name, whatever might be the opinion entertained of him by the noble Earl, would be always mentioned with respect in that House:

> "The late King, meaning William the 3rd., who, as the House knew, placed great confidence in Bishop Burnet, told me, that he understood from the German Protestant Princes that they believed the confessors of Popish Princes had faculties from Rome for doing this as effectually, though more secretly. He added, that they knew it went for a maxim among Popish Princes that their word and faith bound them as they were men and members of society; but that their oaths, being acts of religion, were subject to the direction of their confessors; and that they, apprehending this, did, in all their treaties with the Princes of that religion depend upon their honour, but never asked the confirmation of an oath, which had been the practice of former ages. The Protestants of France thought they had gained an additional security for observing the edict of Nantz when the swearing to observe it was made a part of the Coronation oath; but it is probable this very thing undermined and ruined it."

It was notorious that many Roman Catholics did not adhere to their engagements. He believed what Dr. Walsh said about supremacy. It was proper to adopt transubstantiation as a test, because it, being an essential matter of religion, could not be denied as other matters were denied. As to the charge made against him of interpolating the word "Jesuit," it was introduced as an explanation of the passage, and he believed, that no one who heard him, received that word as part of the passage he had quoted. As to what were the opinions of the noble Earl in reference to this country, and to another country very near it, he should not enter into those portions of the subject, but he would only say this—that he ventured to hope, that he was as sincerely desirous of the true peace of that country which had been referred to, as much as the noble Earl or any one else; but then he would not cry "Peace, peace," when there was no peace, and until honesty and truth were again permitted to regulate the conduct of men.

Lord *Stourton* was understood to say, that with respect to the oath, concerning which so many comments had been made, that those taking it might have as great an objection to the changing of the *leges Angliæ* as the Barons, and they would be as unwilling as their ancestors to abandon the Constitution of England, or to expose it to danger. The mode in which Mr. Peel had introduced the Catholic oath showed that it was not his understanding—that it was not intended to fetter men in their legislative functions. He did not think, in connexion with this subject, that a very straightforward course had been pursued by the right rev. Prelate in his comments upon what had been done by the Bishop of Malta. The Bishop of Malta was in a country completely Catholic—it was almost an Italian island, and he might have been placed in a position of particular difficulty, and one in which his religion might have been compromised. In such a case his taking of the oaths might not have been approved of. As to Cardinal Quarantotti, the dispute in which his name was mixed up was not at all connected with the dispensing powers, nor with a question of allegiance, but was a mere question of arrangement respecting the bishops. The Catholics of Ireland in that case feared that the nomination of their bishops might be fettered by cabals at the Castle of Dublin. That they were right in their opposition to such a plan was proved by the testimony of Mr. Burke, who had declared that those who dissented from a particular Church should not have the power of giving bishops to that Church. He complained of the manner in which Roman Catholics were attacked with respect to this oath. They were not tortured in their bodies, but they were in their minds. They were met with it whenever they appeared abroad, it was echoed and repeated upon all sides; and he believed, however ungracious, it was thought too advantageous at elections to be given up. He trusted, however, that the conciliatory system which had been adopted towards Ireland would do much to put an end to that wretched state of things which so many were endeavouring to prolong. He looked for a happy result, notwithstanding Ireland had been most unfortunate; notwithstanding the privations which the people had endured, and notwithstanding that country was marked with misery, branded with degradation, and reduced to a degree of distress which did not belong to any Christian country in Europe. He trusted that much good would be the result of the conciliatory efforts that were now made by the present Government.

This was his hope; for he could not but disregard the threats of those who talked of re-conquering Ireland; of having another Cromwell, who, after a ten years' war might leave the country unable to resist oppression, or a recurrence of penal laws. Situated as Ireland was, in reference to America and France, and with the examples of those countries before her, while there was a rapidly increasing intelligence, and in the present day many improvements in government and humanity, it was impossible, he thought, that such attempts should be made; or, if made, that they could be successful. He called upon noble Lords to aid in carrying forward a settled and firm principle of conciliation, not to consider whether the majority of Irishmen were Roman Catholics or Protestants, and that they were not to look upon Irishmen as slaves; but to consider how they were to be governed as free men.

The Earl of *Winchilsea* did not, upon entering the House, expect to take part in the present debate; but having been personally alluded to, he felt bound to address a few words to their Lordships. It appeared to him that the Court of Rome claimed the power of interfering with the religious and political rights of Protestant Sovereigns; for he insisted upon it that there was no political question which might not also be regarded as a religious one. He contended, that the oath could be properly interpreted only by the Protestants, by whom it was framed for the maintenance of the Protestant Church and institutions of this country. He believed, that the Roman Catholics would not have taken the oath without the sanction of their Church, and he was equally certain that the Pope, if he had thought it injurious to that Church, would have given them a dispensation so that they might not observe it. He altogether disclaimed that this question was raised, as the noble Earl had imputed, for purposes of political agitation; the object in raising it was the security of Protestantism, which he was ready to prove was the only true foundation of civil and religious liberty. He was no friend to agitation; all who knew him knew he was a man of peace, but he foresaw that there was no power in legislation which could avert a horrible conflict between the two great religious parties of this empire. He was convinced, that the whole force of the Roman Catholic Church was exerted for the recovery of their lost domination and the re-establishment of Catholicism in Ireland, and, if it succeeded there, Protestantism would be subverted in England. England would discover, when it was too late, that she ought to have fought the battles of Protestantism on the Irish shores. Notwithstanding the observations of the noble Earl, he should feel it his duty to attend and preside at the meeting of the Protestant Association to be held to-morrow. The noble Earl called it an exclusive meeting; and certainly it was so far exclusive as that they were associated for the purpose of maintaining those principles on which the Church and State were founded, and which, by the blessing of God, they intended to transmit unimpaired to posterity. If, however, the noble Lord gave him the challenge, he was ready to meet him on either the Protestant or the religious grounds, and a fair controversy should take place. He was ready to contend against the noble Earl, that the Roman Catholic religion denied the right of private judgment, and was inconsistent with every principle of civil and religious liberty. No man could be considered a free subject who was not allowed the unrestrained exercise of the greatest blessing the Almighty had given us—his reasoning powers.

Viscount *Lorton* thanked the noble Earl for having brought this question forward; it had enabled the right rev. Prelate to lay before their Lordships much information in connexion with it, which might be exceeding valuable hereafter. The noble Earl was indignant at what had been said of the clergy of the Church of Rome in Ireland. He begged to read to their Lordships a few words which he had extracted from an address delivered by Baron Richards, who was known to be as liberal a man as ever sat upon the judicial bench. At the conclusion of four of the trials in the county of Mayo, his Lordship said:—

> "He could not but grieve over this depraved character of the people who could be guilty of the many crimes of this description (homicide), which had come before him during those trials; and several of those homicides had occurred as the parties were returning from the mass-houses. He must here say he could not but think that the minds of the people of this country were as open to instruction as were those of any other, and if proper precepts were instilled into them, they

would be induced to abandon the outrages in which they indulged. He was certain they could be humanized, and he did say, that a heavy responsibility rested on those who met these people in the house of God; he meant their spiritual instructors, whose duty it was to keep them from violence and disorder, and he thought this could be done by reasoning and persuasion. Amongst the clergy were many excellent men, for whom he entertained a great respect; but, in the discharge of his duty, he considered himself bound to say, that he thought the people of this country as capable of receiving benefit from the instruction of their pastors as the people of any other country whatever. It was by the efforts of the clergy, more than by the law, that the people could be humanized. In conclusion, his Lordship said, it was awful to think, that a man could not go to a place of worship without being in danger of losing his life. Such a state of things could not be permitted to continue. The law must be enforced, or abandoned altogether."

Now, he considered this a very high authority. It had been said, that the clergy of the Church of Rome were misrepresented. He denied it. He would go further, and assert, that if they were firmly allied to this great empire, Ireland would be found to be in a perfect state of tranquillity. She might be made a help and source of great strength to England, which at present she certainly was not? How many years was it since the Emancipation Bill had passed? Surely that measure put an end to the penal laws; not one of them was now existing. Then why had not the country improved? How was it that Ireland was in the degraded state described by the noble Earl? And since those measures had failed, how, he would ask, was she to be tranquillised? Was it by giving her up entirely to the Roman Catholic Church? He regretted, that he should not be able to meet his noble Friend (the Earl of Winchilsea) to-morrow at the association meeting; but he was prevented attending by being obliged to go out of town. He should have been most happy to have sat on his Friend's right or left hand.

Viscount *Melbourne* begged to say a word or two before the question was put. The noble Earl had moved for the production of certain portions of letters addressed to the noble Earl by certain ecclesiastical personages. They were entirely private documents in the possession of the noble Earl himself, and he begged to observe, that it was not usual to move in this manner for the production of such documents, and he thought there would be a very great objection to producing them. In the first place, if private documents in the possession of the noble Earl might be moved for, other private documents in the possession of the noble Lord might also be moved for. Then, again, to agree to the motion on the ground that the noble Lord who made it, consented to the production of the papers, would be open to objection in this way, it would enable any noble Lord to place any document he pleased on the journals of the House. As he supposed the noble Earl had obtained his object in making the statement he had addressed to the House, he trusted that the noble Earl would have no objection to withdraw his motion.

The Earl of *Shrewsbury*:—My Lords, I am not going to trouble you at any length, but I cannot altogether allow myself to pass over unnoticed some of the observations which have fallen from the right rev. Prelate. The right rev. Prelate seems to forget the terms of his challenge. He comes down to the House saying,—"Oh! I have found it all out at last; here is the secret of the tremendous demoralization of Ireland!" and then throws his papers on the table as the proof of his discovery. Now it is to that point that I have directed my attention, while the right rev. Prelate has been completely begging the question, by running into matter altogether irrelevant to the purpose. I have shown that the oath is just where it was; that it has not been condemned at Rome; and that so far from suppressing evidence to that effect, as the right rev. Prelate asserts, the document he has now read, namely, the letter of Pius VII., is the very one I accused him of concealing from our view; for it is plain, that the same sentiments and feelings, respecting this oath, have prevailed at Rome at all times.

The right rev. Prelate, though he admits the fact, expresses his surprise, that Dr. Murray should have known nothing of this correspondence, though at Rome so soon after it had taken place. Now, my Lords, I was myself at Rome at the very time—Lord Clifford was there also; and though in all probability this very case came before Cardinal Weld, and though I saw Cardinal Weld and Lord Clifford, frequently, yet I never heard one syllable upon the matter, so little did it excite attention, and of so little importance was it considered. The case is, that, as far as it regards this country, the oath has never been laid before Rome; nor could Rome, with the information she now possesses, judge of the terms of this oath according to the *animus imponentis,* by which its interpretation must necessarily be regulated: and if Rome has sometimes expressed itself strongly on this matter, it is to be attributed to a want of sufficient knowledge of the circumstances.

The right rev. Prelate maintains the accuracy of his quotation, and says, that he thought himself fully justified in inserting the word "Jesuit," because those were the doctrines which they held. But I can assure the right rev. Prelate that neither the Jesuits, nor any other class of men in the world, ever held such doctrines or opinions at all. As to the quotation in general, I have taken much pains to collate it with the original in the British Museum, and I maintain that Walsh is not representing his own opinions; he could never have imagined any thing of the sort. Here are the two quotations (holding them up), and any noble Lord may examine them who will, and see whether what I have stated be not correct.

As to what has fallen from the noble Earl, I am sure I had no intention of saying any thing offensive to him, far from it. I have by me here the first number of the publications of the Protestant Association, and though I will not trouble your Lordships with reading any extracts from it, I am sure it would convince you, that instead of condemning that association too severely, I have not been half severe enough; and I will just observe in passing, that I have never yet seen any case (when polemic controversy was in question) fairly stated by any one of our opponents.

My Lords, it is desired by the noble Viscount, that I withdraw my motion; and of course I must comply with the wishes of the House. But I cannot but consider it as another of the evils attending these sort of discussions, that the papers laid upon the table of the House, in the form of an accusation—for that was the form in which they were there laid—must so remain, without their explanation.

It is also another proof of the inconvenience, (though I do not know how your Lordships will agree with me in that), of our not having a resident and ostensible minister at Rome. A satisfactory explanation of this correspondence might readily have been had, and your Lordships would have been saved "so much ado about nothing." It is really lamentable to see the time of the House taken up with such matters, which can only irritate and offend, where I am sure it is high time to heal and to conciliate.

Motion withdrawn.

HOUSE OF COMMONS,

Tuesday, May 8, 1838.

MINUTES.] Bills. Read a third time:—Slave Trade (Sweden); Slave Trade (Hans Towns); and Slave Trade (Netherlands).

SEIZURE BY THE FRENCH GOVERNMENT.] Dr. *Lushington,* seeing the Secretary of State for the Foreign Department in his place, wished to ask a question relative to the seizure of certain ships belonging to her Majesty's dominions on the coast of Africa. In the month of July, 1831, there were two vessels carrying on trade on the coast of Africa; and he was informed, that two French vessels of war then came down; that they attempted to compel the English vessels to sail from the coast; that they seized the guns that were being put on board, and ultimately seized the British vessels themselves. In the month of February, 1835, a blockade was attempted to be imposed on that coast by the French Government. A vessel called the Eliza, and other vessels in the trade, belonging to her Majesty's subjects, were then seized. The question he wished to ask was, whether or not the Government had preferred a claim against the French government for reparation, and whether there was any immediate prospect of its being brought to a speedy conclusion? Upon the answer he received, would depend whether he might think it necessary to make any motion on that subject.

Viscount *Palmerston* said, that it was quite true, as stated by the hon. Member, that certain vessels belonging to British subjects had been interrupted in their commerce on the coast he had stated. The first was antecedent to a blockade, and the latter after it. He presumed, that it was not the wish of the learned Gentleman that he (Lord Palmerston) should enter into the details of the transaction, but he could state, that application having been made to the British Government, they applied to the French Government for compensation. That had been under the consideration of the French Government for some time; a reply was made, which was submitted by him to the claimants; and a short time ago, a communication was made to the English Ambassador at Paris; to that communication he had not yet received any reply communicating the final determination of the French Government, but, at the same time, believing, as he did, that the claim was founded in justice, he could not persuade himself, that the French Government would not give it the consideration to which it was entitled.

Dr. *Lushington* would wait a short time to see what the effect of any communication would be; and if it was not as favourable as he expected, he should bring the subject before the House.

Subject dropped.

First Fruits and Tenths.] Mr. *Baines* rose to move, that the House resolve itself into a Committee of the whole House, to take into consideration the propriety of abolishing the First Fruits of the Clergy in England and Wales, and the more effectual rating, and the better collection, of the Tenths applicable to the maintenance of the poor clergy. In adopting this course to bring the subject under the consideration of the House, he followed the precedent established upon the occasion of the noble Lord (Lord Stanley) bringing forward the subject of the Irish Church Temporalities. On that occasion, it was decided, that a resolution of a Committee of the whole House was requisite as the foundation of every measure in any way affecting the taxation of the people. He feared he could not propitiate the House, by promising to trespass but a short time on their attention; for the subject was most important, as involving the interests of a most influential and useful body of men—the working clergy. The principle of first fruits and tenths, was of a date as ancient as the establishment of parishes. The hon. Member traced the history of first fruits and tenths from the period of their earliest institution down to the well known Act of Queen Anne, and read the addresses presented to her Majesty by the convocations of Canterbury and York, to shew what were its objects, and the benefits that were expected to be derived from it to the poor clergy. They were as follow:—

"Address to her Majesty Queen Anne, from the Archbishops, Bishops, and Clergy of the Province of Canterbury assembled in Convocation, on the 15th Feb., 1704.

"We, the Archbishops and Bishops of the Church of England, together with the Clergy, do most humbly beg leave to express the great and deep sense that we have of your Majesty's most tender compassion for the poor clergy of this Church, who have hardly wherewith to support themselves in the exercise of their ministry, and of your Majesty's gracious intentions, even by bestowing your own revenue, to make a provision for them, in such a manner as you were pleased to declare in your Majesty's late message to the House of Commons.

"We cannot be thankful enough for so singular a blessing as we enjoy, in a Queen who has recommended our holy religion to her subjects, by the great example she has set them; and, particularly, by such signal instances of piety and charity, as not only render her the joy and delight of all true Christians of this age, but leave those effects behind them for which her Majesty will be blessed in all succeeding generations."

The Clergy of the Convocation of York also presented to her Majesty an Address, in which they said—

"Your Majesty not only takes care to preserve our religion in purity, and to protect our Church in all its rights and privileges, but has further taken care also that the ministers of it shall, in due time, have a competent maintenance, the want of which provision was the great, if not the only blemish of our Reformation; and, therefore, doubly blessed will your Majesty's memory be in all succeeding generations.

"As we are sure that this pious and charitable act of your Majesty is highly acceptable to God, so we cannot but hope, that it will have its proper effect upon all your Majesty's subjects, and especially upon us the clergy."

That Act of Queen Anne, he contended, had been a miserable failure, having achieved anything but the object for which it was intended. What was the consequence of the failure of Queen Anne's Bounty? The list of small livings, taken from the Report of the Ecclesiastical Commissioners, which he would now read, would show:—

"There were 11 livings under 10*l.* a-year; 19, from 10*l.* to 20*l.* a-year; 31, from 20*l.* to 30*l.*; 63, from 30*l.* to 40*l.*; 172, from 40*l.* to 50*l.*: making 296 livings under 50*l.* a-year.—There were 305, from 50*l.* to 60*l.*; 307, from 60*l.* to 70*l.*; 254, from 70*l.* to 80*l.*; 354, from 80*l.* to 90*l.*; 396, from 90*l.* to 100*l.*. total, 1,616, making 1,912 livings under 100*l.* a-year.—There were 1,602 livings from 100*l.*

to 150*l.* a-year; and 1,352 from 150*l.* to 200*l.* a-year; so that there were 4,868 livings under 200*l.* a-year. Besides these, there were 5,280 curacies, varying from 40*l.* a-year to 160*l.*, and averaging 81*l.* per annum each."

Now, in what way did this happen, and why had the Act so greatly failed in its purpose? He did not mean to give any offence to those connected with the subject, but, in his opinion, the governors of the Queen's Bounty had not done their duty, and had not attended to the solemn trust which had been reposed in them for the benefit of the poor clergy, by the munificent spirit of Queen Anne. In addition to this, there were some equivocal expressions in the Act, which rendered its meaning difficult to be properly understood. He alluded to the passage in the 6th section of that Act, in which it was said, "that the First Fruits and Tenths shall hereafter be assessed and paid by the clergy, according to such rates and proportions only as the same have been hitherto rated and paid." He thought, however, that this ought to be corrected, for where any law operated oppressively on any portion of the people, it was the duty of Parliament to revise its enactments, so as to be just towards all. He certainly must say, that he considered the governors, as trustees of the bounty, and as having received from the Queen a royal injunction, guilty of a great dereliction of duty, in not construing the Act to the advantage of the poor clergy, as was enjoined by the charter of Queen Anne, appointing governors for dispensing the Bounty Fund. In explanation of his plan, the hon. Gentleman said, that he proposed, in the first place, that first fruits should be altogether abolished, because he considered, that the payment of first fruits acted oppressively on the clergy during the first year that they held their livings. He would not, however, stop there; and he further proposed, that all livings under 300*l.* should be exempted from the payment of tenths, and that all livings above 300*l.*, of yearly value, should be charged with one-tenth of their net value. He would further state, that it was not his intention to apply these regulations to the livings of clergymen now in possession. He proposed, that they should remain as they are at present, and that the regulation he suggested should only take effect on clergymen to be hereafter appointed. What, it would be asked, would be the effect of this scheme on the fund devoted to the support of the poorer clergy? By a calculation he had made, he found that a tenth of the annual value of the whole livings of the clergy would amount to 250,000*l.*, and that that sum would be at their disposal instead of only 13,500*l.*, the amount at present derived from first fruits and tenths. That amount, however, could only be obtained by the gradual operation of the plan he proposed, and not all at once, because, no clergyman at present in possession of a living, would be affected by his proposal; and it was only on future presentations to benefices that his plan would take effect on those benefices. The next question was, as to the application of the fund to be thus raised; and, in his opinion, the first object they ought to have in view was, the augmentation of the livings of the poor clergy. He wished, as the chief object of his measure, to increase those livings, and to give to the working clergy a clear annual income of not less than 200*l.*, and he wished also, that no curate should have less than 150*l.* a-year. Of course, various objections would be made to any legislative interference on the subject. He would advert to some of the most prominent. From the valuation, as returned by the Ecclesiastical Commissioners, it appeared, that the clear yearly revenues of the church amounted to 3,500,000*l.* Deducting 500,000*l.* for discharged livings, and livings not liable to payment of tenths, the amount would be 3,000,000*l.* The tenths of which sum would yield 300,000*l.*, and the first fruits 200,000*l.*, making 500,000*l.* The tenths and first fruits now yielded only 13,500*l.*, leaving a deficiency of 486,500*l.*, being less than a thirty-seventh part of the actual first fruits and tenths. But this part of his plan did not rest on his authority alone. Last year, a Select Committee was appointed by the House, to consider the mode of payment, and the application of first fruits and tenths, and the Report of that Committee recommended the adoption of measures similar to those which he had proposed. This Committee recommended, that the first fruits should be abolished.

"But, whenever that should be done," said they, "we incline to the opinion, that in place of the present tenths, a moderate and graduated impost, according to a valuation more nearly representing the actual income, and upon the scale adopted for the Irish livings, by the 3rd and 4th William 4th., c. 27, might be charged upon all future holders of benefices above the yearly value of 300*l.*, the produce of which impost might be advantageously applied to the more speedy augmentation of small livings—the provision of a retiring pension for infirm incumbents of small livings—and to assist in the endowment of new churches in the various parts of the country in which the increase of population will never cease to create a necessity for extraordinary aid."

His plan differed from that suggested by the Select Committee in one particular only, namely, that while the Act regarding Irish Church Temporalities required the payment by a graduated scale, varying from five to fifteen per cent., he adhered to the ancient tenths, as more definite in their name and character, and as claiming the sanction of a higher antiquity. The House might inquire what would be the effect of his plan? What it would produce annually for the poor clergy might be thus stated:—The total clear income of the Church, as stated in the Report of the Ecclesiastical Commissioners, was 3,500,000*l.* Deduct 1,000,000*l.* for livings under 300*l.* a-year. The tenths of 2,500,000*l.* would be 250,000*l.* The sum now produced by first fruits and tenths was only 13,500*l.* The annual increase would therefore be 236,500*l.* This full income would not be attained immediately, but would proceed at the rate of 20,000*l.* a-year, till it reached its consummation. Amongst the several objections to the plan he had now the honour to propose, the first was, that there were no petitions on the table from the poorer clergy, complaining of their situation—that there were no manifestations of discontent:—nor was it necessary to establish this fact by petitions. He would merely ask, if it was possible that a gentleman, or even a mechanic, could live upon an income of 10*l.*, 20*l.*, 30*l.*, 40*l.*, or 50*l.*? It was scarcely the remuneration given to the lowest mechanic. But the poorer clergy knew how much they depended on clergy of the higher order. They abstained, therefore, from petitions, complaining of their condition, because they apprehended they might give offence to those whom they desired not to offend, and on whose favour they had to depend for future preferment. He wished hon. Members could look into his bureau. They would there see vast masses of letters, which clearly showed what the feelings of the inferior clergy were on the subject. Their complaints were not loud, but they were deep. He would, with the leave of the House, read a letter which he had received on the subject from a clergyman, dated March 15, 1837. It was as follows:—

"Sir—I sincerely hope that one of the purposes contemplated by your motion for a return of the sums paid as first fruits and tenths by the bishops and the higher beneficed clergy, is the improvement of the condition of the poorer clergy, who are not in circumstances to help themselves, and whose interests have been grossly neglected by those who ought to have shown themselves anxious protectors of them.

"While the tithes have been, for years, taken by bishops, rectors, and impropriators, according to the improved value of land arising from the employment of increased capital and skill in its cultivation, the first fruits and tenths, which form the fund for the augmentation of the small livings, or starvings, of the poor clergy, are paid according to a valuation made in the reign of King Henry 8th.—that is, in simple truth, the actual tenths are received, but in most cases, not one-tenth of them, or of the first fruits, are paid to the fund in question; and, while one portion of the church possesses an absurd and superfluous revenue, the other is left in a state of degraded poverty.

"It was the duty of the bishops, and other governors of Queen Anne's Bounty to propose, from time to time, new valuations of the benefices, and other offices, and to give thus to the poor incumbents, a benefit of which the dignitaries, and others who did not want it, so largely partook. * * *

"Have they discharged this duty?

"To Edward Baines, Esq., M. P."

Another letter stated, that the writer was a married man, with a large family; that his wife was in bad health; that his income was only 40*l.*; and that he was in a state of miserable penury. That last fact the writer need not have stated. The only wonder was, that he did not go to the first union workhouse, and apply for relief. Another letter, which he (Mr. Baines) would take the liberty of reading to the House, was a letter which he had received from a beneficed clergyman, containing an account of a few of the rich livings, with their real values, as returned by the clergy themselves, in 1835; together with the values thereof respectively, as stated in the *Liber Regis.* The letter was as follows:—

"Sir,—I thank you for the manner in which you have taken up the subject of Queen Anne's Bounty Fund, and the cause of the poor clergy of the Established Church. The eyes of the public only want to be fairly opened upon this subject, to secure speedy and ample justice for those whose cause you advocate. Go on fearlessly. You have a righteous cause in hand, and success will, ultimately, crown your efforts. I rejoice, that amongst the laity, yea, even amongst the dissenting laity, men are to be found who will stand up for the rights of the long-oppressed poor clergy. You have their good wishes, I am sure, though many of them are so circumstanced, that they dare not come forward boldly to defend themselves: it is from this cause that the evil has been allowed to attain so great a head. I send you a list of a few of the rich livings in various parts of the kingdom, merely as a specimen of their real value, as stated by the clergy themselves, in their returns to the Ecclesiastical Commissioners, which returns were made to the King in 1835, and laid before both Houses of Parliament; and I accompany it with the value of those livings, as they stand in the King's books, that is, in the time of Henry 8th, and upon which valuation, instead of upon the real value, the incumbents pay their tenths and first fruits.

Selection of Benefices with the real value of each, and their respective values as returned in the Liber Regis.

Name of Living.	County.	Clear yearly value.	Value paid upon.	Sum paid as Tenths.	Real Tenths.
		£.	£.	£.	£.
Aldingham	Lancashire	1,093	40	4 0	109
Aldington	Kent	1,014	38	3 16	101
Algarkirk	Lincolnshire	1,310	50	5 0	131
Alicannings	Wilts	1,100	31	3 2	110
Alvechurch	Worcester	1,025	24	2 4	102
Alverstoke	Hants	1,287	21	2 2	128
Ashton-un.-line	Lancashire	1,407	26	2 12	140
Aston	Warwickshire	2,075	21	2 2	207
Attleburgh	Norfolk	1,226	19	1 18	122
Barwk. in Elmet	Yorkshire	1,352	33	3 16	135
Bibury	Gloucestershire	1,023	13	1 6	102
Bingham	Nottinghamshire	1,503	44	4 8	150
Bothall	Northumberland	1,484	25	2 10	148
Bury	Lancashire	1,937	29	2 18	193
Chatteris	Cambridge	1,370	10	1 0	137
Chelsea	Middlesex	1,003	13	1 6	100
Doddington	Cambridgeshire	7,306	22	1 4	730
Edgcomb	Salop.	2,600	46	4 12	260
Feltwell	Norfolk	1,207	14	1 8	120
Hatfield Bishops	Lincolnshire	2,097	36	3 12	209
Hilgay	Norfolk	1,291	10	1 0	129
Halifax	Yorkshire	1,628	84	8 8	162
Lambeth	Surrey	2,277	32	3 4	227
Leverington	Cambridgeshire	2,099	25	2 10	209
St. Botolph without Bishopsgt.	London	2,290	20	2 0	229
Mepul	Cambridgeshire	1,267	3	0 6	126
Pulborough	Sussex	1,376	19	1 18	137
Ross	Herefordshire	1,284	38	3 16	128
Rochdale	Lancashire	1 730	11	1 2	173
Rowley	Yorkshire	1,465	20	2 0	146
Sheffield	Yorkshire	1,285	12	1 4	128
Stanhope	Durham	4,843	67	6 14	484
Upwell	Norfolk	3,855	16	1 12	385
Winwick	Lancashire	3 616	102	10 4	361
		64,775	1,014	100 4	6,463

"These livings yield to the clergy, who are in the enjoyment of them, a clear income of 64,775*l.* a-year, the tenth of which sum is 6,463*l.*, but instead of paying that sum for the better maintenance of the poor clergy, they pay only 100*l.* 4*s.* a-year, being about one sixty-fourth part of the real tenths, exclusive of first fruits.

"To this statement the higher orders of the clergy will be ever ready to say, 'We have paid our first fruits and tenths, as the law has directed us, and therefore we have withheld from the poor clergy nothing which they had a just right to claim.' But have they no just claim on the increased value of these livings? Do the tenants who hold glebe, &c., under the incumbents, pay their rents on the valuations of 1534, or according to the valuation of 1834? Let the above statements answer that question. If, then, the incumbents of those livings have a just right to the increased value since 1534, have not the poor clergy an equal right to their increased value? Undoubtedly they have; and yet they have been long and shamefully deprived of it. Will the lay members and friends of the Church suffer this system of spoliation to continue any longer? Will the Conservative party any longer remain silent under this gross injustice? Or will they not at once come forward, and demand justice for the poor clergy?

"—— Parsonage-house, May, 1837.
"To Edward Baines, Esq., M.P."

It might be said, that a change in the value of livings had taken place in the interval that elapsed between the time of Henry 8th., and the reign of Queen Anne, which change, whatever it might be, was wholly overlooked, or entirely disregarded in the statute of the latter sovereign. It would appear, however, that the change in the value of Church property was not very great at the time, for within four years from the passing of the Act of Queen Anne, the bishops applied for an alteration of its provisions, upon the ground "that the first fruits and tenths then paid by the archbishops and bishops amounted to very nearly the full value thereof." That was in the time of Queen Anne. He would now show to the House how far the archbishops and bishops of the present day were from paying the full value of the first fruits and tenths; he would shew how some paid only one-fourth of the value, many only one-sixth, others only one-eighth, not a few only one-twelfth, and how one paid only one-thirtieth of the real value. The hon. Gentleman then read a statement of the present incomes of the hierarchy, together with the amount paid by each of them for first fruits and tenths. From this statement, it appeared, that the income of the Archbishop of Canterbury amounted to 19,182*l.*, whilst the amount paid by him for first fruits was only 2,682*l.* leaving a deficiency of 16,500*l.* The income of the Archbishop of York was 12,629*l.*, whilst the amount paid by him for first fruits was only 1,449*l.* being a deficiency of 11,180*l.* The first fruits of the several bishoprics he stated as follows:—

SEES.	Clear Annual Revenue.	Payments as First Fruits.	Difference.
London	£13,929	£901	£13,028
Durham	19,066	1,638	17,428
Winchester	11,151	2,873	8,278
Bangor	4,464	118	4,346
Bath and Wells	5,946	479	5,467
Bristol	2,351	294	2,057
Carlisle	2,213	478	1,735
Chester	3,261	378	2,883
Chichester	4,229	609	3,620
Ely	11,105	1,921	9,184
Exeter	2,713	450	2,263
Gloucester	2,282	203	1,999
Hereford	2,516	691	1,825
Lichfield and Coventry	3,923	503	3,420
Lincoln	4,542	828	3,714
Landaff	924	139	785
Norwich	5,395	834	4,561
Oxford	2,648	343	2,305
Peterborough	3,103	373	2,730
Rochester	1,450	322	1,128
St. Asaph	6,301	168	6,133
St. David's	1,897	383	1,514
Salisbury	3,939	1,246	2,693
Worcester	6,569	929	5,640

He maintained, that a system which admitted of such a deviation from the spirit of the Act of Parliament was inadequate, unequal, and unjust. Bishop Burnet said, that in his time, the payments for first fruits and tenths amounted to from 16,000*l.* to 17,000*l.* a-year; whereas, at the present time, notwithstanding the increase in the value of property, they amounted only to 13,500*l.* a-year, being an actual depreciation since the time of Queen Anne, of twenty-five per cent., to the disadvantage of the poor clergy. It was said, that if the payment of a real tenth were demanded from the clergy upon all livings above the annual value of 300*l.*, Parliament would be acting very oppressively towards them. He denied the accuracy of that proposition. In the first place, it would not at all apply to present incumbents, and with respect to those who came hereafter, it certainly could be considered no hardship if they were admitted to a good living, with the knowledge that they must contribute one-tenth of its income, for the purpose of benefitting their poor brethren. The hon. Member for the University of Oxford some time since took an objection, which certainly must be admitted as having some force; he said, that many persons had come into possession of advowsons under an impression that they were, at all times, to pay the first fruits and tenths, according to the rate fixed in the reign of Henry 8th. He acknowledged, that there was some force in that argument—he could not deny it; but, at the same time, he begged leave to ask the noble Lord, the Member for North Lancashire (Lord Stanley), if the same argument was not equally applicable to the proposition which the noble Lord brought forward in 1834 with respect to the Irish Church Temporalities, and which received the sanction of Parliament. Another objection, which had been urged for nearly three centuries, was this—namely, that there was no other valuation upon which to ascertain the amount of first fruits and tenths, except that of Henry the 8th. That objection was now no longer applicable, because in the year 1835, a new valuation was made by the clergy themselves, who were not likely to over estimate the amount of their livings. The hon. Gentleman read an extract from a work by Mr. Johnes, who had instituted a searching inquiry into the management and application of Queen Anne's Bounty in Wales, with the view of accounting for the rise of dissent in the principality. Mr. Johnes said:—

"The first-fruits and tenths, since they have come into the hands of the clergy, have been a source of great wealth to the rich clergy, but for the poor clergy they have done scarcely anything. What will be thought when it is stated, that a vast portion of these revenues have been added to the wealth of the highest dignitaries of the land? I say added to their wealth, for such is practically the effect of relieving them, in whole or in part, from the charge of paying their own curates. Of all the abuses in the Church, the grossest is the system of relieving bishops and sinecurists from the maintenance of their own curates by grants out of Queen Anne's Bounty. All the parishes in the county of Carnarvon which belong to the bishops, the dean, and the archdeacon, exhibit these abuses. We are not to consider the present possessors of these benefices as the authors of the abuses alluded to; but it is to be attributed to the system which has lavished the funds of Queen Anne's Bounty, miserable as they are in amount, upon not the poor livings, but the rich livings, to save the pockets of the dignitaries and pluralists of the Church from the payment of their own curates. The parishes of Holt and Iscoed, like Gresford, are in the hands of the Dean and Chapter of Winchester, who derive from them 900*l.* per annum. Here abuse is added to abuse, and their endowments are eked out by Queen Anne's Bounty: The curate of Iscoed has an income of 200*l.* a-year, of which no part whatever is paid by the Dean and Chapter; it consists entirely of Bounty money. In point of fact, it will be found that the most liberal grants of Queen Anne's Bounty are those which have been made to parishes in the hands of bishops and sinecurists. Amongst the grievances complained of in North Wales are these: the exemption of the wealthy clergy from the payment of the first-fruits and tenths according to the strict ancient proportions, the universally low salaries of the bishops' curates, and the practice adopted by the Governors of Queen Anne's Bounty of applying the Bounty fund in relieving the bishops from the support of their own Curates."

Of course he pledged himself for nothing contained in that statement, but he had inquired diligently as to whether Mr. Johnes was a gentleman upon whose statements he might implicitly rely, and many Members of the House had answered him in the affirmative. He must also add that the work itself bore strong internal evidence of accuracy and truth. The hon. Gentleman then referred to the proceedings of the Committee which met upon first-fruits and tenths, and called the attention of the House to the evidence of the Treasurer of Queen Anne's Bounty, who, upon being asked whether a poor clergyman, who had only a single benefice of *60l.* a-year, would have any better chance of having his living augmented than the clergyman who held two livings, one of *60l.* a-year and the other of *800l.* a-year, answered, "No; he would have only the same chance." He thought that this did not accord with the letter or the spirit of the Act of Queen Anne, which was entitled an Act "for the augmentation of the maintenance of the poor clergy;" and surely a pluralist with *860l.* a-year could not fairly come under that designation. He hoped he had now established the three propositions he was anxious to press upon the conviction of the House: first, that it was the intention of Queen Anne that her bounty should afford competent livings for all the poor clergy—secondly, that it had entirely failed to produce that effect—and, thirdly, that it was high time some remedy should be applied. The remedy he had suggested to the House he hoped was conceived in moderation, and would receive the approbation of those Gentlemen with whom he should be very happy to co-operate, or into whose hands he should be very glad to confide the whole matter, because it was from no personal ambition nor any selfish object that he had been induced to take it up. But finding, year after year and age after age, the same abuses going on and no member of the Church coming forward to redress them, he had at length volunteered his services, impertinently perhaps, in the cause of the poorer clergy. He had only to add, that he looked with a confident expectation to receive the support of that (the Ministerial) side of the House. From the time of the Reformation to the present hour no ministry had done so much for the Established Church as the Ministry who now held the reins of Government. If anybody doubted the accuracy of that observation, he would undertake at any time to make it good. To a Ministry, then, which had done so much for the cause of reform and for the benefit of the Church he looked with a confident expectation of support, when he brought forward a proposition so fraught with justice to those who took the labouring oar in the Church, and who, notwithstanding their poverty, discharged all the duties of their holy office conscientiously, and with great ability. He repeated, that he confidently expected the support of the present Ministry, and a period was now arriving—the coronation of the Queen—which would afford them a fit opportunity of enabling our young and gracious sovereign, Victoria, to give fresh vitality to the benevolent principles laid down by Queen Anne. He would not say whether the Government would or would not violate its duty if it did not seize the approaching occasion to perpetuate the memory of our present Queen, and to transmit her name to posterity as an equal benefactress to the Church with Queen Anne. When he said, that the present Ministry had done more for the Church than any Government since the time of the Reformation, he must say, that the reason why the same opinion was not shared by every Gentleman in the House, was this: that whilst the present Ministry had done so much for the Established Church, they had also, through their influence, done a great deal for the Roman Catholics and the dissenting body generally. It was because they had not confined their favours to any one particular denomination that it was sometimes imputed to them that they were the enemies of the Church. In the Irish Church Temporalities Bill they had asserted an important principle, from which he was satisfied the Church, as well as the rest of the community, would ultimately derive the highest advantages,—he meant the principle which declared that property rather than persons ought to be made to conduce to the payment of the clergy. If he looked with confidence to the Ministerial side of the House, he looked with not the less confidence for support to the opposite side of the House, where he saw many professed, and he doubted not very sincere, friends of the Church. How could they promote its prosperity or increase the happiness of its members better than by acceding to such a proposition as that which he then brought under the consideration of the House? Apologising, with great sincerity, for the length of time his statement had occupied, the hon. Gentleman concluded by moving, " That the House do resolve itself into a Committee of the whole House, to take into consideration the propriety of abolishing the first-fruits of the clergy in England and Wales, and the more effectual rating, and the better collection of the tenths applicable to the maintenance of the poor clergy."

The *Solicitor-General*, although he could not fulfil the expectations of his hon.Friend by supporting his motion, felt bound to state, that he did the most complete justice to the sincerity of his hon. Friend's motives in bringing the subject forward, as well as to the temperate tone and manner in which he had introduced it to the House. He was perfectly persuaded, that in undertaking the subject, his hon. Friend had but one object in view—that of promoting the spiritual happiness of the community at large, by the introduction of a just, legitimate, and useful reform. The grounds, however, upon which he felt bound to oppose his hon. Friend's motion, were shortly these: if the motion had been founded upon the general question of the right and expediency of Parliament to make a more equal distribution of Church property for the benefitof the community at large, he should be ready to say, that he would give to such a subject his most serious attention; but it must be an attention quite unfettered by any consideration that might arise out of the question of first fruits and tenths, or any point that might arise out of the statute of Queen Anne. His hon. Friend, throughout the whole of his address, appeared to have confounded the general abstract question with the question of right under the statutes of Queen Anne and the act of Henry 8th. In order to clear the way before him, he (the Solicitor-General) would call the attention of the House, to what those statutes really were, because it appeared to him to be clear to demonstration that the clergy had now under those statutes all that they ever were entitled to. The hon. Gentleman was perfectly right in saying, that by a statute passed in the reign of Henry 8th, the first fruits and tenths of all ecclesiastical benefices became payable by the clergy. The question, then, was, how the amount of the property was to be ascertained; and the statute provided, that it should be lawful for the Lord Chancellor to issue a commission to inquire into the value of livings. The Commissioners were directed to make their return in a certain specified form; and from the return so made, the value of the first fruits and tenths was to be taken. From the terms of the statute of Henry 8th, it was not easy to determine whether it were intended that the amount of the value then ascertained was to be regarded as an amount of value that should remain fixed and unalterable, or whether it were intended that the Crown from time to time should direct the Lord Chancellor to issue fresh commissions, with the view of making the amount of first fruits and tenths keep pace with the general increased value of property. His hon. Friend maintained, that the latter was the intention of the act; and, for the sake of the argument, he (the Solicitor-General) would assume that it was so. He would assume, that the Crown had the right, from time to time, to issue fresh commissions; but, in point of fact, it had never done so. When Queen Anne came to the throne, she had the right, subject, of course, to the approbation of Parliament, to deal with these first fruits and tenths; and, being so entitled, she exercised her right, and placed them in the hands of a certain corporation which she then established for the purpose of augmenting the income of small benefices. It was part of the Act of Parliament whereby Queen Anne gave up this fund, that the value should be taken at the old and not at the increased rate; that was one of the provisions of the act. Therefore, if his hon. Friend were to succeed in showing that there ought, by the statute of Henry 8th., to be a new valuation from time to time, the result would be, that the surplus would belong to the Crown, and not to the poor clergy. He was aware that his hon. Friend had referred to an opinion of Lord Eldon, expressive of some doubt as to the construction put upon the act of Queen Anne. Now, it was his fortune for ten years of his life to practise before that learned judge, and he believed there never was a subject upon which it was not the pleasure of that learned judge, from his great ingenuity, to justify the expression of a doubt. He believed, that if that learned Lord had to express an opinion of the character of Henry 8th. himself, he would say of him, "That some of his opinions were, perhaps, rather harsh and arbitrary." What, he would ask, was the meaning of any doubt on the present subject? When a bond was given, it was to conclude the subject, and even to set forth what the sum of money was that should be secured by that bond. The act said, that a bond should be required for the payment of the first fruits and tenths, and which said first fruits and tenths should be paid according to such rates and proportions only as heretofore they had been paid. But if there were any doubts as to the meaning of this act, subsequent acts had entirely and in the most distinct manner removed all such doubts. It appeared to him perfectly clear, therefore that upon the law of the case, the first fruits and tenths now receivable by the governors of Queen Anne's bounty were exactly the same which they always had received, and as he had stated on a former occasion, in answer to a similar motion to the present, the governors of Queen's Anne's bounty at the present day had no more power than his hon. Friend had to alter by one farthing the amount of the sum so received. That being so, the question was whether or not it were fit that some alteration should be made. But if any alteration were to be made, it must be made irrespective of Queen's Anne's bounty. It must be by some such measure has had been adopted in respect to the Irish Church temporalities and it ought not to be in the slightest degree fettered or encumbered by any of the provisions of the act of Queen Anne. He, therefore, felt himself bound in justice to give his opposition to the present motion.

Mr. *Gally Knight* said: Having been personally alluded to by the hon. Member for Leeds, I feel myself called upon to say a few words; and as the hon. Gentleman distinctly states, that his intention is to apply his substitute for tenths, absolutely and entirely to the same purposes to which the tenths are now applied, namely, to the augmentation of poor livings, I cannot but offer him my humble support. Had the necessities of the Church not been great, had there not been a great number of ministers inadequately provided for,—had there not been on all sides, a loud and increasing demand for the extension of spiritual instruction, we might have been content to suffer things to remain as they are; but when we know that there are not less than 3,528 benefices under 150*l.* a-year, that there are 2,878 benefices on which there is no house of residence, and that the actual produce of the tenths, by the help of which this state of things has to be amended, averages only 14,000*l.* a-year, is it not manifest that it is most desirable to increase that fund, if it can be done without injustice? And, I must confess, that the hon. Gentleman is completely borne out by the fact when he states, that the manner in which the tenths are levied is most unsatisfactory—for not only does it bear no reference to the original impost,—not only does it bear no reference to the present value of the benefices, but it is most unequal in its pressure and distribution. Out of 10,498 benefices, only 4,898 pay tenths at all; and those which do pay, only pay according to what was the value of the benefices in the time of Henry 8th. How immensely those benefices have increased in value since that time, the House has already heard. I hold in my hand a few extracts from the returns made to the Commissioners in 1835, which, when compared with the Liber Valorum, confirm the statement made by the hon. Gentleman. I find, for example, that Halsal, which, in the time of Henry 8th was worth 24*l.* 11*s.* 5½*d.*, in the time of William 4th is worth 3,095*l.* a-year. Stanhope, formerly 67*l.* 6*s.* 8*d.* is now 4,875*l.* Hawarden, 66*l.* 6*s.* 5½*d.* now 3,286*l.* Winwick, 102*l.* 9*s.* 9½*d.* now 4,220*l.* Bishop Wearmouth, 89*l.* 18*s.* 1½*d.* now 3,346. Doddington, 22*l.* 5*s.* 0*d.* now 7,781*l.* Lambeth, 32*l.* 15*s.* 7½*d.* now 2,481*l.* Clapham, 8*l.* 10*s.* 0*d.* now 1,299*l.* When the change of value is so immense, if it be, as, after the statement of her Majesty's Solicitor-General, I must not deny it to be, consonant to law, is it agreeable to common sense, that the tenths paid now should be the same as when the benefices were of so little comparative value? But this is not all—the payment is not only disproportionate: it is also unequal. The benefices have by no means increased in equal proportion. Mines, manufactures, harbours, agricultural improvements, have greatly added to the value of some livings, whilst others, less fortunately circumstanced, have increased in nothing like the same ratio; yet the benefice which has increased fifty-fold, may pay no more tenths than the one which has only increased twenty-fold. Some benefices are altogether exempted, whilst others of inferior value remain in charge. By the Act of Queen Anne, all benefices not worth more than 50*l.* a-year, were exempted from the payment of tenths—many of these are now worth 300*l.* a-year, whilst many of those, which in the time of Anne were worth just above 50*l.* a-year, and which, therefore, were not exempted, have not had the good fortune to rise in the same proportion. But her Majesty's Solicitor-General tells us that, however different may be the value, however unequal the burthen, the book was finally closed by the Act of Anne, and cannot be opened again. It is perfectly true, that the Act of Anne says, that all benefices remaining in charge shall continue to pay their tenths according to such rates and proportions as they had been accustomed to pay before—which expression has ever since been construed to mean, according to the valuation made in the time of Henry 8th; but this is at variance with the spirit, at least, of another clause, which, speaking of the first fruits of bishops, says they shall continue to pay the same as before, because what they pay is not far from the real value. Having regard to this expression, should it not appear that it must have been imagined that the tenths were also much nearer the real value than was actually the case? and the real value was not ascertained, because a return was only demanded of such livings as were at that time below the value of 50*l.* a-year. Admitting, however, this law to be correctly interpreted, I am not aware that Parliament, having once legislated on the subject, cannot legislate again; that Parliament, after the lapse of above a century, is precluded from again considering the question. If a case of injustice and unfairness is made out, I cannot admit that the door to amendment is irrevocably closed. But I am asked, where is the justice of taxing a particular kind of property? In the first place, I am not seeking to impose a new tax, but to adjust one which exists at present; and in the second place, I frankly confess that, in *foro conscientiæ*, I consider no Church property, not even advowsons, or lay tithes, to be unconditional property. All Church property partakes of the nature of a trust, and is accompanied by the condition of spiritual instruction. Firmly opposed as I am, and ever shall be, to the secular principle; firmly opposed as I am, to every thing like spoliation, I am not opposed to changes within the Church herself, which would be calculated to increase her efficiency. I cannot belong to the *Noli me tangere* school; who, if they pushed their principle to the extreme, might at once be surrounded by victims of plethora, and of destitution. The precedent, which has been adduced by the hon. Gentleman, of what was done in Ireland, appears to me exactly in point, and, indeed, that graduated scale was the example which is recommended for imitation in the report of the Committee, to which allusion has been made. The proposition before the House interferes with the income of no living person, because it would only take effect on a real presentation. It relieves all the clergy from the inconvenient and expensive burthen of first fruits. It relieves all benefices of 300*l.* a-year from tenths altogether—and it proposes that the tenths of benefices above that value, should be commuted for a per centage, the amount of which is left for the decision of the House. About the amount of that per centage I am not so anxious as that it should be equal. I certainly am of opinion that, in the present unfortunate state of the poor livings, it is not unreasonable to require of the larger livings, something more like their original liabilities, in aid of the unrequited labourers in the vineyard. But I candidly acknowledge that, whilst I wish to assist the poorer clergy, it is no part of my wish to hurt or humiliate any; or to reduce the Church of England to the level of her northern sister. The Church which has been preferred by the people of England, has much less decoration about her than the Catholic, but something more than the Presbyterian, and in my mind, has caught the happy mean between the two extremes; nor will I lend myself to any thing which would materially change her character, or alter her position. But, the poor livings may be assisted without materially affecting the prizes in the lottery of the Ecclesiastical profession. The tax may be made more equal without being oppressive to any, and a more satisfactory system may easily be introduced. Even in the moderate way in which I should desire to proceed, a considerable addition to the funds for the poor livings may be obtained. But we shall still want whatever more can be obtained for the building and endowment of new Churches, and the ever growing spiritual wants of a rapidly increasing population.

Mr. *Hume* hoped his hon. Friend would not trouble the House to divide on this occasion, because it was perfectly evident from what the Solicitor-General had said, that there was no power of proceeding in the way his hon. Friend had suggested. It was undoubtedly in the power of Parliament to pass a bill and new model these matters altogether; but did his hon. Friend think that the Government, after their proceedings of yesterday and the few previous days, in which they had used their utmost efforts to continue pluralities in the Church, and to deprive the poorer clergy of those means which the Government had it in their power to give them—did he think that such a Government would at all listen to his common sense view of this question? It was only a repetition of the late trials he and a few others had in vain made, to induce the Government to act upon the principles of common sense in respect to the establishment of the Church. Could any man consider the Government to be sincere in their wish to put the Church upon an equitable footing after the changes that had recently taken place. The commutation of tithes had given to the Church, according to their own showing, no less than 3,500,000*l.* a-year, but which he (Mr. Hume) believed would amount to more than 4,500,000*l.* a-year. If, having that immense amount to deal with, there was any disposition on the part of those who pretended to be the friends of the Church to enable every incumbent in the country to possess an income of 200*l.* a-year, it was at this moment perfectly practicable for them to raise every small living to that value. He considered, therefore, that the Government and those who pretended to be the friends of the Church were to blame for the present unsatisfactory state of things in regard to Church livings, because they refused to avail themselves of the means that were in their power for removing the grievance, and it was almost a farce for him and those who concurred in his views to attempt to proceed further until they could obtain a majority on the question.

Mr. *James Stewart* was of opinion, that under the statute of Anne, a Commission could be issued at this day. If so, then, the Act of Queen Anne gave everything that was reserved to the Crown by the statute of Henry the 8th; and so far from the latter Act being repealed by Queen Anne's Act, it was by the second section expressly confirmed; and he contended, that every right that was possessed under the statute of Henry the 8th existed at the present day under the statute of Queen Anne. He did not think, that because a general inquiry was pending, that they were not to have a particular inquiry into the particular grievance arising out of these revenues.

Mr. *Goulburn* entirely concurred in what had fallen from the hon. and learned Gentleman, the Solicitor-General, and objected to the view taken on the subject of first fruits and tenths by the hon. Member for Leeds. He denied that Parliament had any authority or power to take away those imposts for the purpose of applying the money to the use of poor clergymen. He asked if hon. Gentlemen were satisfied as to the justice of the original position, and whether they had weighed the effect which this motion, if successful, would have on other questions connected with the same subject? He did not believe, that any man who had attended to the early circumstances under which first fruits and tenths were imposed could approve of the tax. But by whom was this tax imposed? Why, by the Pope; and it was by him collected, notwithstanding Parliament and the clergy had constantly declared, that its imposition was an act of great injustice. It was well known, that more than half the tax was never paid, and if so, how could it be asserted, that in Roman Catholic times the payment was made according to the full value. At the period of the Reformation, this tax was taken by the Crown; but Queen Anne restored it to the Church for the purpose to which it was now applied—namely, the augmentation of small livings. The question whether or not a property tax ought or ought not to be generally imposed was one which must depend upon a very different footing from the subject of first fruits and tenths. From the hon. Member for Leeds' own showing, it would appear, that to adopt his principle would be to raise the taxation on this description of property from 13,000*l.* per annum to about 250,000*l.* He concurred with the hon. and learned Solicitor-General in thinking, that the discussion of the question of first fruits and tenths afforded no argument in favour of the proposition of the hon. Member for Leeds. That hon. Member contended, that because many of those livings varied considerably from what they were in the time of Henry the 8th, therefore the taxation should be augmented; but he did not see that any argument had been adduced to support that proposition. It was well known, that there were many properties bound in a similar way, and subject to burthens which bore a comparatively greater proportion to their value than these burthens did in their present state of improved value. Now, surely no one would attempt to say, that a proposition to increase the burthens on such property beyond the terms of the old lease and proportionately to the present value could for one moment be supported. Surely the analogy was complete, and if they increased the burthens that were fixed at the time of Henry the 8th to the present improved value, he did not see on what principle they could refuse to subject other property, under similar circumstances, to additional taxation. Well, then, there was another point. According to the law of this country advowsons were considered to be private property. They were repeatedly sold, and it was well known that individuals purchased that description of property on the faith of Parliament, which told them that this was a very safe investment of property; and on what ground could the House feel justified in diminishing the amount of that property? He, on the grounds he had stated, as well as on other grounds, objected to the motion of the hon. Member for Leeds, and fully concurred in the view of the law respecting the question which had been taken by the Solicitor-General. That view was not new to him. At various times, in discussions which had taken place on subjects connected with the property of the Church, he had expressed the same opinions. However, he would, on the present occasion, be content to rest the argument of the case upon the speech of the Solicitor-General, repeating his determination to oppose the motion.

House divided:—Ayes 48; Noes 27: Majority 21.

List of the AYES.

Aglionby, H. A.
Barnard, E. G.
Bewes, T.
Blake, W. J.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Butler, hon. Colonel
Cayley, E. S.
Collier, J.
Curry, W.
Duncombe, T.
Grimsditch, T.
Hawes, B.
Heathcote, J.
Hindley, C.
Hughes, W. B.
Hume, J.
Humphery, J.
Lemon, Sir C.
Lister, E. C.
Lushington, C.
Marsland, H.
Ord, W.
Parker, R. T.
Pease, J.
Pendarves, E. W. W.
Philips, M.
Pryme, G.
Roche, D.
Rundle, J.
Salwey, Colonel
Stanley, W. O.
Stansfield, W. R. C.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Strickland, Sir G.
Style, Sir C.
Talfourd, Sergeant
Thornley, T.
Turner, W.
Vigors, N. A.
White, A.
White, L.
Williams, W. A.
Wood, G. W.
Yates, J. A.

TELLERS.

Baines, E.
Knight, G.

List of the NOES.

Acland, T. D.
Bagge, W.
Barrington, Viscount
Brughes, W. H. L.
Compton, H. C.
Estcourt, T.
Estcourt, T.
Ferguson, Sir R. A.
Freshfield, J. W.
Goulburn, rt hon. H.
Hinde, J. H.
Hobhouse, rt. h. Sir J.
Hodgson, R.
Houston, C.
Inglis, Sir R. H.
Maunsell, T. P.
Nicholl, J.
Palmer, R.
Palmerston, Viscount
Perceval, Colonel
Pusey, P.
Rice, right hon. T. S.
Richards, R.
Round, C. G.
Thomson, right hon. C. P.
Vivian, J. E.
Wood, C.

TELLERS.

Maule, F.
Solicitor-General, the

Mr. Baines moved, that the Speaker do leave the Chair.

Sir *R. Inglis* certainly had not anticipated the result at which the House by its division just now had arrived. He owned he was surprised to see the hon. Member for Ashton (Mr. Hindley) and others who ordinarily supported most zealously her Majesty's Government, vote against them on this occasion, and leave no less than four Cabinet Ministers in such a minority. His objections to the motion might be confined to two or three sentences. He objected to the levying a property tax upon one class of her Majesty's subjects, which would be the result of the proposition of the hon. Member for Leeds. Again, he objected because such a tax would be an absolute and unvarying tax, unlike the former general property tax. The only point in the speech by which the hon.

Member for Leeds had advanced his views was, that even under existing statutes, it was competent to deal as he proposed with first fruits and tenths without the aid of any further act of Parliament. In reply to that position, he placed his reliance and confidence in the view of the law taken by the hon. and learned Gentleman opposite (the Solicitor-General), and if he required any confirmation of that view of the law, he could cite the opinions of the present Lord Chancellor of Ireland and of Mr. Justice Crampton. If still higher authorities were required, he would call in aid the opinions of Lord Coke and Mr. Justice Blackstone, and from all these authorities he drew the conclusion that until the speech of the hon. Member for Leeds no person ever contended that the existing law unaltered would give the right of interference which the hon. Member contended for. But the hon. Member had endeavoured to prove that it was expedient, if the existing law were insufficient, to create a new law; and in aid of that argument the hon. Member had read a long list of livings, with their value as set down in the King's books, with their present value, in order to show that the value of some was formerly 300*l.* to 400*l.*, and that now they were 3,000*l.*, to 4,000*l.* This was quite unnecessary, but at the same time the observations of the hon. Member were very well *ad captandum.* It should not be forgotten, however degrading the consideration might be, that advowsons had been made the matter of sale and purchase in the same way as manors and other property, and the purchases had been made on the calculation that the payment out of first fruits was fixed and invariable. He would not take this subject further out of the hands of the Government; but he was unwilling to go to another division without thus shortly expressing the general view he took of the subject.

The *Chancellor of the Exchequer* would say only one word in reference to this matter. He had voted in the minority on the motion of the hon. Member for Leeds, simply on the grounds stated by the learned Solicitor-General, that, even assuming the subject must be considered in reference to the wants of the clergy, the House had no right to put that construction on the acts which was suggested. He had heard nothing in the course of the debate which in the slightest degree tended to undervalue the importance of the proposition; but at the same time undoubtedly on the previous discusions in reference to the same subject, the same rule had been laid down which had this evening been stated to the House. It was shown that, under the statute of Anne, the parties were protected and it was not just to draw the conclusion of the hon. Member for Leeds, either by legal or logical reasoning. But the House had decided the question of going into Committee, and he should therefore like to know what the hon. Member expected from it. The motion it was true, had been carried, but unless coupled with the speech of the hon. Member it imported nothing. It was "a Committee of the whole House, to take into consideration the propriety of abolishing the first fruits of the clergy in England and Wales, and the more effectual rating and better collecting of the tenths applicable to the maintenance of the poor clergy." But it would be a question whether this were intended to apply to the existing tenths or to those which might be established under any new scheme. He was clearly of opinion that it would be the better way to decide the question and not to divide again on the question of going into Committee; for, as the Committee had been carried, he saw no reason for objecting to it.

Mr. *Baines* observed that the right hon. Gentleman did not seem to be aware that there were certain resolutions to be proposed, which was already prepared.

Mr. *Goulburn* presumed that the hon. Member intended to propose the resolutions in committee. He hoped it would not be supposed, from the few observations he had already made, that he agreed with the proposition of the hon. Member. The matter would be fully discussed in Committee, and he would then express the opinions which he entertained.

The Speaker left the chair. House in Committee.

Mr. *Baines* said, that after the discussion which had taken place on the subject it scarcely seemed necessary that he should detain the House by any further statements. His object was to submit to the House in Committee certain resolutions which he had taken care should be placed in the hands of every hon. Member before he moved them. He would now hand the resolutions to the Chairman, with a desire that they should be proposed by him to the Committee, and it would be for the

Committee to deal with them as it thought proper. The hon. Baronet the Member for the University of Oxford, appeared to have fallen into an error, which he must correct. He appeared to have misconceived the object which he had in view, and to think that the tax was to be an unvarying tax. That subject, however, was left open for the consideration of the House.

The first resolution was put in the following terms:—" That it is expedient, that a better provision for the maintenance of the poor clergy of the Established Church of England and Wales should be afforded than that which at present exists, to be derived from the revenues of the said Church."

Mr. *Estcourt*, without meaning at all to question the truth of the resolution proposed, would suggest to the Committee the propriety of the Chairman reporting progress on receiving the resolutions to be proposed, and of asking leave to sit again; and he should conclude the observations which he had to make, with a motion to that effect. Many hon. Gentlemen he knew were impressed with the same feeling, that it was impossible under the old law such a proposition as that made by the hon. Member could be carried, and he thought, that after the opinion expressed by the learned Solicitor-General, there was no question that the law was as they supposed. He could not but express his surprise, that so many had voted with the hon. Member, because if one proposition were more doubtful and important than another, it was the proposition which that hon. Member had made, that this was an adjustment only of the old tax, and not the introduction of a new tax. He believed, that it had been stated that out of the 10,400 livings there were only 4,300 which did pay tenths, and yet the imposing the tax on all livings above the value of 300*l.* a-year, was called only an adjustment of it. There were already many livings of this value, and some below this value, which now paid the tenths; and could the application of the tax to some new cases, and the removal of it from other cases, be called merely an adjustment of the old system? It was not necessary, however, to go into the whole question at that moment; and he should content himself with moving, that the Chairman should report progress and ask leave to sit again.

Mr. *Hume* said, that the objection of the hon. Member for Oxford University would apply if any difference of opinion existed on the subject of the resolution now before the House. The resolution, however, was merely " That it is expedient that a better provision for the maintenance of the poor clergy of the Established Church of England and Wales should be afforded than that which at present exists, to be derived from the revenues of the said Church." He would ask whether any hon. Member could do otherwise than agree with the terms of this resolution? If that were carried perhaps no objection would be offered to the course suggested by the hon. Gentleman opposite.

The *Chancellor of the Exchequer* would ask the hon. Member for Leeds whether, under the circumstances, it would be politic to take the opinion of the Committee, when on the face of the case the House would appear, to a certain extent, to have been taken by surprise? [*No, no!*] Hon. Gentlemen said " no,no!" but he should like to know how they accounted for the very general absence even of their own friends, when a subject of so much importance was to be discussed? But supposing there was no surprise in the matter, then he had objections to urge against the motion; but he should at the same time suggest to the hon. Member, that under the circumstances he would gain very little by taking a vote of the Committee on the resolutions which he proposed to bring forward. The hon. Member, by adopting the course suggested, would lose nothing, for he might at a future time obtain a vote of the Committee on the subject, the course proposed being merely, that the Committee should now rise, and that the Chairman should ask leave to sit again. The hon. Member for Kilkenny, however, said, " Let us pass this resolution now, and take the others at another time;" but he thought that the course recommended by the hon. Member for the University of Oxford was more simple, and that it would be impolitic for the Committee to adopt one resolution, and to leave the others to be confirmed at some future time. For his own part, too, he should be extremely unwilling to give his sanction to resolutions on which a measure might be framed, and which, from the loose manner in which they might be worded, perhaps would not carry out his views. He thought, then, that it would be better for the hon. Member to accede to the suggestion thrown out by the hon. Member opposite.

Mr. *Cayley* would also recommend the course suggested by the right hon Gentleman who last spoke. He had had great pleasure in voting with the hon. Member for Leeds in favour of his original motion, and although at present he saw no ground for adopting one only of several resolutions, yet he must protest against the suggestion of there being any surprise.

Sir *R. H. Inglis* differed entirely from the sentiments expressed in these resolutions, and although the beginning of that which was now proposed to be adopted did not certainly present any point very decidedly to be objected to, yet the last clause which it contained, that the funds were " to be derived from the said Church," was one to which he could not agree. He should support the proposition, therefore, of the hon. Member for the University of Oxford.

Mr. *Aglionby* agreed, that the further consideration of the subject should be postponed, but not in consequence of the ground that had been urged by the hon. Baronet and the right hon. the Chancellor of the Exchequer, namely, that the House had been taken by surprise. He denied, that this was the case, for the notice had been on the books several weeks, and it had that night been a considerable time under discussion, and, therefore, the friends of the Church had ample opportunity of being present if they had thought fit. Rather, however, than prejudice the question he would recommend his hon. Friend to consent to the Chairman reporting progress. The truth was that 100,000*l.* a-year had been voted for several years as an addition to Queen Anne's bounty until a stop was put to this grant by the exertions of his hon. Friend the Member for Kilkenny. It was made on the ground, that the Church was unable to provide adequately for its poorer clergy, and he could only consider the proceedings in this matter as getting money under false pretences.

Mr. *Baines* denied, that he had done anything that could be construed into taking the House by surprise, for he had given notice of his intention to propose his resolutions upwards of three months ago. He had no wish to avail himself of any paltry advantage by proposing his resolutions at that moment, and, therefore, if it were more consonant to the feelings of the House, he would consent to the Chairman reporting progress, and asking leave to sit again, and to let all the resolutions stand over for consideration on a future occasion.

Mr. *Freshfield* said, that in a Parliamentary sense there was no surprise, but in point of fact there had been. When hon. Members saw the hon. Member for North Warwickshire withdraw his motion, it was considered that there was no prospect of success for the motion of the hon. Member for Leeds, and that if left to itself it would defeat itself. He believed that that was the feeling of the greater number of Members who were now absent from the House, and that that feeling would be testified by the House when this question was again brought under discussion.

House resumed—Committee to sit again.

CHANNEL FISHERIES.] Sir *R. Peel* wished to hear from the noble Lord, the Secretary for Foreign Affairs, whether any steps had been taken to settle the international question between England and France as to the mutual rights of fishing in the waters on the coasts of the two countries, and, also, as to the regulations for the protection of the fisheries. This was a matter of great importance, as containing the seeds of dissatisfaction between the two countries. If anything like a bad feeling should arise between the two countries the most evil consequences might spring out of this question, small as the matter might now appear to be.

Viscount *Palmerston* said, that the first question had been referred to Commissioners that had been appointed by the two countries, and which met at Granville; they had not yet come to any satisfactory conclusion, but some matters that had grown up had been referred to the respective governments. There was still a larger question on the subject of the fisheries which had not been committed to the Commissioners, but communications had been made on the subject by the two governments, but he did not feel himself justified in going into any explanations on the subject at present.

THE YEOMANRY.] Mr. *R. Palmer*

moved for a "copy of the report of the state of efficacy of the Wooldey troop of Berkshire Yeomanry Cavalry, on its inspection in the year 1837." He wished, in moving for this return, to state the grounds on which he made the motion. It would be in the recollection of the House, that in the debate on the Ordnance Estimates a question had been put by his hon. Friend, the Member for Cambridge University, as to the reason why the Government had retained the Hungerford Berkshire troop, in preference to any of the three others which belonged to that county. It was then stated, that the selection was in consequence of the report of the inspecting officer having been more favourable with respect to the Hungerford corps than any of the others. This statement had given the officers of the rejected corps considerable annoyance, and they had requested him to move for a copy of the report of the inspecting officer, which report recorded the efficiency of these corps in 1827. He could not read the report of the field officer as to the efficiency of these corps, but he would read his opinion, as expressed in a private letter. He said, "I am perfectly satisfied with all that I have seen and inspected. Your corps equalled all in general practice, and excelled them in one thing, the compactness of their movements. I beg you to return my thanks to the men, and to state that I shall make a full report in the proper quarter." The officers complained, then, of observations which had been made in the House, inconsistent with this address, and that was his reason for moving for a copy of the report.

Mr. *F. Maule* denied, that he had sought to fix any imputation upon the character of the troop in question. The present motion was one, however, to which he could not accede, not from any inconvenience which would result to the Government from the production of the report, but because he thought it would be most inconvenient to the inspecting officers either of the Yeomanry or of any other force that their confidential communications to Government should be made public. He was not aware, that on the occasion to which his hon. Friend had referred, he had drawn any invidious distinction. He trusted he never had been in the habit of drawing comparisons which would hurt the feelings of any persons out of that House, who could not be there to defend themselves; and he could assure the hon. Member, that he had not drawn any such distinction between one particular troop of Yeomanry and another, belonging to the county which the hon. Gentleman represented. The only distinction he had drawn was between "very good, and good" These two corps—the Wooldey and the Hungerford, were inspected by different field officers; and the mere fact that the Hungerford had once been called out to aid the civil power, when the Wooldey had not, led to the conclusion that the former ought to be retained. This was the special ground for retaining this troop, and no reference whatever was had to individuals. At the same time he must say, that he was not aware on what occasion the corps was called out. He should have no objection to the production of Colonel Reid's report, only, that communications of that nature were considered of a private character, and if they were to be submitted to public inspection he was apprehensive it would be found very difficult to find officers to discharge this duty. He considered such reports to be confidential, in the same manner as reports of generals inspecting regiments were considered confidential at the Horse Guards. He trusted the hon. Gentleman would be satisfied with this explanation.

Mr. *Goulburn* said, that the hon. Gentleman the Member for Elgin having, during the discussion upon the Ordnance Estimates, stated as a reason for disbanding a troop of the West Essex yeomanry, situated in the neighbourhood of the Waltham powder-mills, that the works themselves furnished a sufficient defence, he was induced to ask the hon. Gentleman, not for the production of a confidential communication, but for the report of the officers of the Board of Ordnance to the Secretary of State, in which they expressed their complete power of protecting the property at the Waltham powder-works in such a manner as to render useless the maintenance of a troop of yeomanry cavalry. The old rule of the House was, that no Minister should refer to any document which he was not prepared to lay on the table of the House, if required; and the hon. Member would allow him to say, that when allusion was made to confidential communications, it should be done with some little discretion.

Mr. *F. Maule* said, that the communication which had taken place with the Board of Ordnance with reference to the disbandment of the West Essex troop was a verbal communication between the departments, and not made in the shape of a report. The result of the communication was, that the Ordnance were perfectly able to maintain discipline at Waltham by means of the force upon the spot. The whole of the surrounding villages were occupied by persons who were employed at the works, and whose interest it clearly was to protect them.

Sir *Robert Peel* was bound to state his conviction, that the hon. Gentleman had done all he could to satisfy the feelings of the commanders of these troops; and that his remark was a valid one with regard to the confidential communications of inspecting officers. At the same time, he considered it to be highly creditable to these corps to have manifested these jealous feelings upon a subject affecting their character in the estimation of the country. He thought the hon. Gentleman's explanation was quite satisfactory, inasmuch as he had shown that there were no grounds whatever for retaining the Hungerford corps rather than the others. The hon. Gentleman had stated two grounds on which this troop had been kept up—first, that the report stated, that the three troops were good, while this was very good, but then the hon. Gentleman had disposed of this ground by remarking, that the inspection having been made by different officers, no comparison had been made in reality. The other ground was, that this corps had been called out to assist the civil police, but the hon. Gentleman said, he knew no reason why the corps should have been called out.

Mr. *F. Maule* said, the right hon. Baronet for the sake of having his laugh, had slightly misrepresented him. What he said was, that he was not aware on what occasion the corps had been called out.

Motion withdrawn.

Church Leases Committee.] Mr. *Aglionby* wished to ask why it was, that no Member connected with Cumberland had been put upon the Church Leases Committee, of the nomination of which the noble Lord had given notice. There was a very large property held under the dean and chapter in that county, and yet every Member from Cumberland was excluded.

Mr. *Rice* said, that if a Member for each county were placed upon every Committee, he apprehended they would far exceed the limits of convenience and utility. The right hon. Gentleman then postponed the nomination of the Committee until to-morrow, as was understood.

HOUSE OF LORDS,

Wednesday, May 9, 1838.

Minutes.] Bills. Received the Royal assent:—Consolidated Fund Bill; Residence of Clergy Bill; Haileybury College Bill; and a great number of Private Bills.

Petitions presented. By the Earl of Kinnoul, from the Presbytery of Perth, for the better Observance of the Sabbath.

HOUSE OF COMMONS,

Wednesday, May 9, 1838.

Minutes.] Petitions presented. By Sir G. Strickland, from Wakefield, by Mr. William Evans, from Leicestershire, by Sir H. Vivian, from Cornwall, by Mr. Rice, from Dover, by Mr. White, from Sunderland, by Mr. Roche, from the city of Limerick, by Mr. Hume, from Cupar (Fifeshire), by Mr. Baines, from the Town-council of Leeds, from Sudbury, and from a place in the county of Hants, by Mr. Brotherton, from various Congregations in Salford, and by Mr. Pease, from places in Somersetshire, Norfolk, and Fifeshire, for the Immediate Abolition of Negro Slavery.—By Mr. Marsland, from Stockport, for the Government to use their influence to put down the Foreign Slave Trade.—By Lord C. Manners, from Ashby de la Zouch, by the Marquess of Chandos, from Buckinghamshire and from Aylesbury, by Mr. D. Browne, from Ballinagh, by Mr. Heathcote, from the county of Lincoln, and by Sir C. B. Vere, several from Suffolk, against the Bonded Corn Bill.—By Sir G. Strickland, from millers of the city of London, in favour of the Bonded Corn Bill; and from Halifax, for alteration in the Factories Act.—By Mr. Baines, from Dissenters in Leeds, and from a place in the county of York, against the endowment of the Scotch Church; and from the pawnbrokers of Leeds, against the British Pledge Society.—By Mr. Round, from a place in the county of Essex, and by Lord Robert Manners, from seven parishes in Leicestershire and two in Derbyshire, that any surplus revenues of the Church should be applied to religious education.—By Lord Dalmeny, from Edinburgh, against, and from Glasgow, in favour of, endowment of the Church of Scotland.—By Mr. Hume, from the Messrs. Childs, printers, and from authors and others, and by Mr. W. S. O'Brien, from the letter-press printers of Dublin, against the Copyright Bill.—By Sir Robert Bateson, from the clergy and diocese of Derry, against the system of national education; and from the mayor and corporation of Londonderry, against the Poor-law Bill.—By Captain Jones, from the Archbishop and clergy of Armagh, against the Irish Tithe Bill; also, a Petition against the present system of National Education, and against the Irish Tithe Bill.—By Mr. GOULBURN, from parties interested, against the Ecclesiastical Courts (Ireland) Bill.—And by Mr. GILLON, from Leith, in favour of the Spirit Licences (Scotland) Bill.

BONDED CORN.] Colonel *Seale* moved the second reading of the Bonded Corn Bill. He had already stated the object of the bill, and the benefits which it would confer on the commercial and mercantile world, and in the absence of any reasonable objection to the measure, he should not have thought it necessary to make any observations on this occasion, but for the fact, that he had seen in the public prints the report of certain proceedings which had taken place at a public meeting, which had been called for the purpose of taking this bill into consideration. At that meeting statements were read, and resolutions were drawn up, which could only tend to misrepresent the measure; and it was upon the spirit of those erroneous resolutions that the petitions which had been presented against the bill were founded. At the same time he begged it to be understood that no man was more ready to attach every weight to petitions than he was. He held in his hand a report which had appeared in the *Morning Herald*, containing an account of a meeting held at Aylesbury, at which the noble Lord, the Member for Bucks (the Marquess of Chandos), presided. The hon. and gallant Officer here read the report and the resolutions which had been agreed to, which latter, he contended, did not apply to the case in question. The objection taken to the measure was, that it would lead to the introduction of foreign corn into the home-market surreptitiously. The bill, on the contrary, proceeded on the principle, that the corn admitted under bond to be ground, should be absolutely exported within two months after its being ground. Having adverted to these resolution, he would leave the matter in the hands of the House. Considering that the bill would give to the landowners the opportunity of granting a boon to the mercantile interests, he hoped that those hon. Gentlemen would not stop this bill, but would allow it, at least, to go into Committee. He moved, that the bill be read a second time.

The Marquess of *Chandos* said, he objected to this bill on very different grounds from those which the hon. Gentleman seemed to imagine were entertained. He thought it would be highly injurious to the agricultural interest. He had no doubt it would afford a great advantage to the commercial, at the expense of the agricultural interest. He, therefore, could not allow the hon. Gentleman to carry a measure which would be extremely detrimental to the best interests of the country. At the present moment the agriculturists were enjoying a little relief from the long period of distress under which they had suffered; and their only wish was, that that House would not interfere with them. He had opposed this bill before, because he thought it would be extremely injurious to the farmers. He had no hesitation in saying, that its effects would be, to hold out a bonus to the foreign farmers, at the expense of the farmers at home, and he certainly should oppose the motion which had been made, by moving, as an amendment, that the bill be read a second time that day six months. The hon. Gentleman had alluded to a meeting where he had presided, and to certain resolutions which had been agreed to by the Cambridge farmers. He begged to assure the hon. Gentleman, however, that the petitions which had been presented from the county of Bucks against this bill were founded on the opinions of the farmers of that county, unconnected with any other parties. But he called the attention of the country to the bill, because it was injurious to the interests of the farmer, and he could not believe, that the agricultural interest, which was so strong in that House, would permit a measure to pass which would be so highly injurious to those who had the power to reject it. Jeers might be thrown out when he alluded to the strength of that party in that House. He would say again, they had strength with them, and when strength was properly exercised, no one had a right to complain. He was most happy, as the organ of the farmers, to oppose this bill; and having expressed his opinion on several previous occasions, he would move, as an amendment, that the bill be read a second time that day six months.

Mr. *Warburton* thought that the House had a right, at least, to expect from the noble Lord that he should point out how this measure would act detrimentally to the agricultural interest; but he had not attempted to do anything of the kind. The object of this bill, as he had told the noble

Lord before, was, not to allow foreign corn to be imported and used for home consumption, but to be imported for the purpose of being ground, and then exported. By allowing the corn thus bonded to be ground into flour and exported, a large amount of capital would be employed, and a large number of labourers would be employed and fed, not on foreign corn, but home-grown corn. All this was matter worthy of the attention of the noble Lord; but he came before the House with the naked assertion that the bill would be detrimental to the agricultural interest. The noble Lord said, he came there to support the agriculturists; he said, that they were strong in that House—too strong they certainly were, unfortunately, he would say, whenever they came to decisions on questions of this kind. But, let him add, the agricultural interest could not maintain that pre-eminence of which the noble Lord seemed so proud, unless they were supported by sufficiently sound reason.

Mr. *Heathcote* said, that there was a very strong feeling in the great agricultural county with which he was connected in respect to this measure, and surely the farmers were as good judges of their own interest as hon. Gentlemen opposite could be. He must confesss, he had been somewhat surprised at the observations of the hon. Member for Bridport. He recollected that when he was on the same Committee with the hon. Member to inquire into the growing of tobacco in Ireland, that hon. Gentleman contended, that they had a perfect right to prevent persons growing what they liked within their own land, because it was impossible to devise a system like that of the tobacco regulations, without the liability to frauds. Now he thought the hon. Gentleman forgot on this occasion the principle which he had then laid down. He believed the object of those who were parties to this bill was, to repeal the corn laws. He would ask what right had the shipping interest to call upon them to repeal the existing Corn Laws? There was no interest in this country which was so much protected as that of the shipping. The shipping interests had the whole monopoly of the coasting trade. As he had the honour to represent a very large agricultural constituency he was happy to confirm all that had fallen from the noble Lord. He was well acquainted with the feelings of one of the largest agricultural constituencies in the empire, and he was sure that there was but one feeling amongst them, and that was, the wish to be left alone. This was the feeling from one end of the country to the other. How could they have steadiness in prices, if there were no steadiness in the law? He hoped the bill would be thrown out. The subject of the repeal of the Corn Laws was one which was brought forward in every fresh Parliament; but the last dying speech of the free traders in corn was made by the hon. Member for the Tower Hamlets, some time since, who declared that, in reference to this point, the question at issue was put an end to. But he hoped the House would not allow the great question of the Corn Laws to be attacked, not in front, but in flank, as it was by this motion. He believed this bill would not pass into a law, and therefore the sooner they got rid of it the better.

Lord *Worsley* said, that his hon. Friend, the Member for South Lincolnshire, had said, and said truly, that there was a strong and general feeling against the Bill throughout Lincolnshire. He had been requested by his constituents to oppose the bill; all the agricultural associations of the northern division which he had the honour to represent were against it. It was with pain, that he felt obliged to refuse complying with their request; but as he was sent to that House unfettered and unpledged, he must use his own judgment, and as he firmly believed, that the bill was not calculated to injure the interest of the farmer, he felt called upon to refuse to oppose the bill, and, even at the risk of incurring the displeasure of the majority of his constituents, to support the second reading. He frankly avowed he considered the opposition which the agricultural interest had thought proper to give the measure was more likely to injure them than was the bill. If the people of England found that interest opposing every measure of this kind, and, not content with the existing protection it enjoyed, which he believed the farmers were satisfied with, obstinately resisting measures of justice towards other interests, they would at length call out for a repeal of the Corn-laws. He might have absented himself on the present occasion, but he considered it a duty he owed to his country to attend and vote, though, he repeated, by doing so he was likely to offend a great body of his constituents. He could not help thinking that much of the opposition to the measure might be termed factious, which was all of it attributable to the farmers being misinformed and ignorant of the real nature of the measure. His gallant Friend, in moving that the bill be read a second time, made some observations on the circular sent out by the Cambridgeshire and Isle of Ely farmers' Association. They had done him (Lord Worsley) the honour of sending him a copy, when to his surprise, on reading the resolutions, he found they were dated April 2, before the bill now under discussion was printed. Was it surprising, then, that the advocates of this measure should complain of such an opposition. The bill declared that the whole of the produce of the corn when ground shall be exported. If the bill had not particularly guarded against any of the corn which was imported for grinding or the offal being introduced into the home-market, he should have ranked amongst its most determined opponents. He believed the farmers were misled, and did not understand the question. For instance, he knew a very general opinion prevailed amongst his constituents that foreign bran paid no duty; whereas, it paid at all times twenty per cent. For these reasons, he would vote for the second reading of the bill.

Sir *John Tyrrell* said, that when he took into consideration the fact, that the parties from whom this measure emanated were the constant advocates of free trade in corn, they could not be surprised that the agricultural interest should be most sensitive on this point. The measure seemed to him to be one which might be fairly considered as proceeding upon the principle of an instalment, to which principle the hon. Gentlemen opposite appeared to be so much attached. When he considered the quarter from whence the measure had emanated, he confessed he could not help regarding it with suspicion. Its chief and prominent object was, to promote the interest of the great millers in the neighbourhood of London, Liverpool, Bristol, and other maritime places; and this boon, he was persuaded, must be granted to commence at the expense of the agricultural interest. He was inclined to hope and believe, that considering the state of prices of agricultural produce at present, the agricultural interest might and would be suffered to rest in quiet. And he reformed Parliament would, on this occasion, certainly not be induced to alter the existing laws framed for the protection of the agricultural interest.

Mr. *Brotherton* believed, that the proposed measure would, in some degree, benefit the commercial interest, and perhaps the agricultural interest also. Operated upon by these motives, he was induced to give the motion his support. He would, however, confess for his part that, if they were to-night to reject the bill, he should be rejoiced, as he was firmly persuaded the oftener the Legislature turned a deaf ear to projects of improvement, and rejected measures such as the present, the greater must be the results which would grow out of the vain appeals of the public to the Legislature. In a word, more sweeping improvements might fairly be anticipated, in consequence of Parliament rejecting less extensive remedial measures. He wished they might throw out the bill for another reason —namely, that by so doing they would hasten the downfall of the wicked Corn-laws, which were so abominable, so impolitic in this commercial and manufacturing country, and withal so shamefully unjust, that it was altogether impossible but they must shortly be abolished. The bulk of the landowners and agriculturists, it was natural to suppose, were hostile to this measure, as persons, of course, must be who are deeply interested in maintaining a monopoly for their own advantage. All the anxiety of that class of persons was concentrated in keeping up the monopoly, and thereby sustaining excessively high rents and high prices of necessaries, though the effect of the latter was to reduce to a state of starvation thousands of hand-loom weavers and artisans.

Mr. *Poulett Thomson* thought, the amendment moved by the noble Marquess, the Member for Buckinghamshire, was not justified by the nature of the question. The noble Marquess, both on the present and on former occasions of a similar kind, had represented himself to be the organ of the agricultural interest in that House. Now, looking at the nature and circumstances of former debates, and on what had subsequently occurred, he could not help feeling inclined to dispute the claim which the noble Marquess endeavoured to establish; and to believe, that there were many other hon. Gentlemen in that House to whose opinions, and to whose guidance the agricultural interest looked up with at least as much respect as they did to the opinions and guidance of the noble Marquess. When he heard a right hon. Baronet on the other side of the House (Sir E. Knatchbull) say, that he should have no objection to a measure like that under consideration, provided means could be adopted for so framing the clauses as to preclude the practicability of fraud, when he heard the hon. Member for Breconshire say the same thing, when he heard his noble Friend opposite (Lord Darlington) say the same thing, he could not believe that the noble Marquess justly represented the opinions of the agricultural interest; nor, until a division convinced him that he was in error, could he believe, that it was possible to induce the landed gentlemen of this country at once to reject a measure which could do no harm whatever, either to themselves or to those for whom they were peculiarly interested; a measure which would have no more influence on the land of this country, than it would have on the land of New Zealand; when, by adopting it, they might confer a valuable benefit on another, and a large class of the community. The whole question which came under discussion, when this measure was last brought under the consideration of the House, was whether or not it would be practicable to make such provisions in the bill as might prevent fraud, and thereby prevent the British grower of corn from suffering the injury to which he must otherwise be exposed. On that occasion, he pledged himself, that he would give the subject his best attention, for the purpose of carrying into effect, wishes so generally expressed on all sides of the House; and he now confidently asserted, that the bill comprehended all the provisions requisite for that object. But even if that were not the case; even if some hon. Gentlemen conceived, that the provisions of the bill were not sufficiently stringent to prevent the possibility of fraud, the present was not the stage of the bill in which that question could be properly considered. Whenever the bill went into Committee, would be the fit time for taking the details and the provisions of the bill into consideration, and for determining whether or not any changes in those details and provisions were necessary. At present, the question related merely to the principle of the measure, and, for the reasons which he had already explained, he thought that the bill ought to receive the support of a number of those hon.Gentlemen who were especially described by the term "the agricultural interest." He also hoped, that the principle of the bill would receive the support of the right hon. Baronet, the Member for Tamworth, both because of its intrinsic merit, and because the right hon. Baronet had formerly supported a measure of a similar character, which had been introduced by one of that right hon. Baronet's colleagues at the time, the late Mr. Huskisson. He repeated, that he was most anxious to prevent the commission of fraud; and that if it could be proved in the Committee, that it was impracticable to frame such provisions as would obviate fraud, no hon. Member in that House would be more ready to reject the bill. At any rate, however, it was but common justice to let that question be fairly tried; to ascertain how far the present details of the bill were sufficient for the purpose; and if they appeared insufficient, to see if details could be introduced of a more satisfactory character. The principle was the point now to be determined; and unequivocally approving of the principle of the measure, he should vote in favour of the original motion,and against the amendment proposed by the noble Marquess.

Sir *E. Knatchbull* believed, that the object of security against fraud, could not be attained by the bill under discussion, and he should therefore oppose the second reading. He was persuaded, notwithstanding what had fallen from the hon. Gentleman, the Member for Bridport, that the measure, as it had been argued by his noble Friend near him (Lord Chandos) would give a bonus to the Foreign growers, and consequently prove injurious to the English agriculturists. The right hon. Gentleman, the President of the Board of Trade said, that full security was given to the farmers by the bill, or that, at all events, it could be altered in committee, so as to insure full security; but he believed, that no such security could be attained by the measure before the House, or by any alterations which it might undergo in Committee, and the House would recollect, that neither the right hon. Gentleman nor any other hon. Member had advanced any proof that the English farmer would be protected from fraud by the bill under consideration. It was said, that the corn was to remain in bonded warehouses; and that consequently no fraud could arise; but he would ask the right hon. Gentleman, whether it was to be manufactured in those warehouses? He supposed the right hon. Gentleman would answer in the negative; and there was, therefore, too much reason to apprehend that a door would be opened for extensive fraud by the grain being removed from the warehouses to the mills, where it was to be manufactured. He would also ask the House to take into consideration the time which had been selected for bringing forward the present measure. It was not the wish of the agriculturists of this country to maintain the price of corn at a high rate; but the price of corn was at present rising, and when it came to a certain price, the ports would be opened for foreign grain, and when the price was again reduced, there was but too much reason to fear, that a serious injury would, under such circumstances, be inflicted on the English growers, should the present bill become law.

Sir *R. Peel* was unwilling to detain the House from the division which was so loudly called for; but having been so pointedly referred to by the right hon. Gentleman the President of the Board of Trade, he was desirous shortly to state the grounds on which he should feel it his duty to support the amendment which had been moved by his noble Friend. He confessed that in the first instance he had not entertained any very strong or decided opinion on the subject, one way or the other; and in consequence he had abstained from voting on the motion for the introduction of the bill. The right hon. Gentleman now, however, claimed his support of the measure, on the ground that many years ago his right hon. and lamented colleague Mr. Huskisson had brought in a bill for permitting the grinding of foreign bonded corn under similar circumstances. Now that measure had proved a failure; and it appeared to him, therefore, that it was rather an odd reason for the right hon. Gentleman to assign as a motive for him to become a party to a new proceeding upon the subject, that a former proceeding upon it had been unsuccessful. It had been alleged that the passing of this measure would prove a great benefit to commerce. Now, it was well known that he was not disposed to grudge any benefit to commerce, provided that benefit to commerce was free from injury to any other interest, and provided that it did not give general dissatisfaction. But from the communications which had reached him from all quarters, he believed that if Parliament were to pass this bill, it would occasion an amount of dissatisfaction, of suspicion, of discontent, the positive evils of which would much more than counterbalance any good that it was supposed some particular interest might derive from it. For these reasons, weighing the contingent good to a portion of the community with the certain injury that it would inflict on the community at large; and seeing no reason whatever for the agitation of the question at the present moment, he should certainly vote for his noble Friend's amendment.

The Earl of *Darlington* said, that as the gallant Member who had brought forward the measure under the consideration of the House had postponed the second reading of his bill from time to time without assinging any reason for the delay which had taken place, he had expected that it would have been withdrawn altogether. As, however, the hon. and gallant Member had not adopted that course, he felt himself obliged to vote against the further progress of the bill. He was sorry to do so, because he was anxious to afford every possible relief to the commercial and manufacturing interests, and because he did not, on the subject under consideration entertain those strong opinions which were entertained by some of those with whom he generally acted. He did believe it possible to introduce a measure permitting the grinding of foreign corn in this country, and which, at the same time, would afford security against fraud, but he did not believe it possible to attain those two objects in a short bill like the present. The bill under consideration ought to have contained some more stringent clauses for the prevention of fraud, and without those it was impossible that the measure could give satisfaction to the agriculturists of this country, or remove the fears which were entertained as to the injurious effects of its operation. There was one objection which he entertained to this bill, and which operated more strongly on his mind than any which had been advanced, and he was astonished that the hon. and gallant Gentleman who had brought forward the measure should not have foreseen that objection, and been on his guard to obviate it. The bill was brought in by the hon. and gallant Gentleman and by the hon. Member for Bridport, and although he had not the least intention of questioning the honesty of the intentions of the hon. Member for Bridport, and although he allowed that that hon. Member had a perfect right to entertain any opinions he might deem proper on the subject under consideration, yet the hon. Member was too honest a man not to allow that he had always advocated the interests of the commercial classes in opposition to those of the agricultural classes. He would ask, then, whether it was wise or politic for the hon. and gallant Gentleman opposite to have placed the name of the hon. Member for Bridport on the back of his bill, and whether, under such circumstances, the agriculturists were not justified in viewing the measure with suspicion.

The *Lord Advocate* had heard no argument against the bill under the consideration of the House beyond suspicion; and he would ask whether that was sufficient to justify its rejection? It certainly was not; and was it fair that the commercial classes should be deprived of a certain benefit simply on the ground that fears were entertained of some injury being inflicted on the agriculturists? The noble Lord opposite (Darlington) had said, that sufficient security was not given by the present bill; but he had stated no objection to its principle and its details could be altered in committee. No argument had yet been advanced against the second reading of the bill. The noble Lord considered the name of the hon. Member for Bridport, which was on the back of the bill, a strong objection to the measure; but the bill was brought forward by an hon. Member whose interests were entirely agricultural; and was no measure to be introduced relating to agriculture but by the representative of an agricultural constituency, and by him alone? He was every way disposed to protect the interests of the farmers, but he felt it to be his duty to stand up for the interests of the community which he had the honour to represent, and who were anxious to obtain the benefit which the operation of the bill was calculated to produce. He should therefore support the second reading.

Sir *James Graham* on a former occasion, had abstained from voting on a measure similar to the present, because he had entertained great doubts as to the benefit which it was calculated to produce. No man was more favourable than he was to the agriculturists of this country, yet on the other hand, he was willing to do all in his power for the commercial classes, even at the expense of some sacrifice on the part of the agricultural classes. He could not, however, support the second reading of the bill before the House, because he conceived that while it was not calculated to yield much advantage to the commercial and manufacturing interests, its tendency was to produce dissatisfaction and seriously to injure the English growers of corn. He allowed that his objections to the measure were founded on suspicion, but were the grounds for that suspicion slight? The right hon. Gentleman opposite, the President of the Board of Trade, had stated, that a similar measure had been tried at a former period, and that the acute mind of Mr. Huskisson had been directed to the subject, with the view to obtain proper securities against fraud. But the right hon. Gentleman had allowed that Mr. Huskisson had failed in his object, and that the measure was consequently abandoned. Was, there, then, not good reason for suspicion in regard to the present measure, when no proof had been brought forward that the bill contained sufficient or any protection against fraud? The hon. Gentleman, the Member for Bridport had taunted the opponents of the measure with not advancing any reasons for their hostility to the bill; but he should not be led into a discussion on the Corn-laws at that time. It was said that this was a question of trifling importance; but if it were so, why was so much stress laid upon it by hon. Members opposite? Was the protection at present afforded to agriculture to be broken through? If such was the object of the hon. Members opposite, he could understand why they pressed forward this measure; but if they had no such object in view, and if they thought the question one of trifling importance, how could they explain their anxiety for the bill being read a second time? No proof had been advanced that sufficient protection was given by the measure to the agriculturists, and he had heard nothing but assertions that fraud was not intended or possible by the provisions of the Bill. In conclusion he would say, that as the advantage was doubtful, and as the risk of injury was great, he thought the House would do well to pause before consenting to the second reading of the bill.

Mr. *M. Philips* did not advocate the second reading of this bill on the principle that it would lead to some alteration or to the entire abolition of the Corn-laws. He believed that great advantages would result from the measure to the commercial and shipping interest of the country and entertaining that opinion and believing that it might be so framed as not to inflict any injury on the agricultural interests he should vote for the second reading of the bill.

Mr. *Villiers* observed upon the state of thraldom in which country gentlemen appeared to be placed by their constituents, not one of whom dared to support the measure, and yet not one could assign an argument against it. Such an instance of restraint upon the independence of Members of that House he had never seen amongst those who represented the large towns. The noble Lord the Member for Shropshire admitted, that the purpose of the Bill might be effected, and that the principle was unobjectionable; yet when called upon to sanction the principle by his vote, he said that from the suspicion which attached to one of its authors, he would not suffer it to go into Committee. Then, the right hon. Baronet, the Member for Tamworth said, that he feared the dissatisfaction it would occasion, and he should vote against it; but he said not a word of there being any grounds for that dissatisfaction. He feared the displeasure of those who placed their trust in him. But the hon. Baronet the Member for Kent was the strongest case of all, for he had already stated in this House what he conceived to be the object of this bill, and as distinctly stated, that it was wholly without objection, but after making that statement upon the last occasion he now voted against it, and said he would do so again. He (Mr. Villiers) was glad to think, however, that whatever were the result of the vote to-night it would be beneficial. If the measure was carried it would open to our trade a new channel for employment and profit, and benefit the commerce of the country in a slight degree; but if it was rejected it would perhaps be still more useful; it was just what was now required. What was most wanted was some practical illustration of the working of the Corn-laws, and the spirit of those who maintained them; something to strike the imagination; something to arouse those who had too long kissed the rod that had scourged them. He looked upon it as a good sign. All great changes were preceded by some wanton act of the power which was complained of and attacked. He regarded it as the East Retford of the Corn-laws. To reject this measure would be like that preliminary folly which characterised those whom Heaven had marked as its victims. He thought the rejection of the measure would really arouse that feeling which had lain dormant too long on the subject of the Corn-laws; and he, therefore, should go to the division perfectly at ease, satisfied that nothing but good could follow from it.

Sir *John Rae Reid* wished, in one word, to explain the ground of his vote. He had already voted in favour of the proposition for grinding corn in bond, and he intended to do so again. He had listened with the greatest care and attention to every word that had been advanced in the course of the debate that evening, and he confessed he had heard no reason to induce him to deviate from the course upon which he had originally started. His firm impression was, that a measure like the present would confer as many benefits upon the agricultural interest as upon the commercial. If he thought it would in any way militate against the interests of the agriculturists, he should be one of the last to support it.

Mr. *Barron* was understood to say, that he had yesterday received a petition from his constituents in relation to the measure before the House, which he had been unable to present before the commencement of the discussion. The petitioners were highly favourable to the measure, and he did not think, that there was any person in his part of the country hostile to the bill. He had always voted in support of the Corn-laws, and he believed that the measure under consideration, so far from weakening the protection which those laws afforded to the agriculturists, would go a great way to conciliate the opposition of the commercial and shipping interests towards the continuance of the Corn-laws.

The House divided on the second reading of the Bill:—Ayes 150; Noes 220; Majority 70.

List of the AYES.

Abercromby, hn. G. R.
Aglionby, H. A.
Ainsworth, P.
Anson, hon. Colonel
Archbold, Robert
Baines, Edward
Bannerman, Alex.
Baring, hon. F.
Barnard, Edward G.
Barron, H. W.
Beamish, F. B.
Bellew, Rich. M.
Bentinck, Lord G.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, W. J.
Blakemore, R.
Bolling, W.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Bulwer, E. L.
Busfield, W.
Butler, hon. Col.
Cavendish, hon. G. H.
Chalmers, P.
Clay, W.
Clive, Edward Bolton
Codrington, Admiral
Collier, John
Colquhoun, J. C.
Currie, R.
Dalmeny, Lord
Dashwood, G. H.
Davies, Colonel
Dennistoun, J.
Divett, E.
Duff, James
Duncan, Viscount
Duncombe, T.
Dundas, Capt. D.
Easthope, John
Eliot, Lord
Elliot, hon. John E.
Ellice, rt. hon. E.
Erle, William
Evans, Sir D. L.
Evans, G.
Evans, W.
Fazakerley, J. N.
Feilden, J.
Ferguson, Robert
Fitzroy, Lord C.
Fort, John
Gillon, W. Downe
Hall, B.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Heron, Sir R.
Hinde, J. H.
Hobhouse, T. B.
Hope, G. W.
Horsman, E.
Howard, P. H.
Hume, J.
Hutt, W.
Hutton, R.
James, Sir W. C.
Jephson, C. D. O.
Johnson, General
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Lefevre, C. S.
Liddell, H. T.
Loch, J.
Lushington, C.
Macleod, R.
Marshall, W.
Marsland, H.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. J.
Murray, rt. hon. J. A.
Muskett, G. A.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, M. J.
Ord, W.
Palmer, C. F.
Parker, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Philips, G. R.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Reid, Sir J. R.
Rice, E. R.
Rice, rt. hon. T. S.
Roche, E. B.
Roche, W.
Rolfe, Sir R. M.
Rundle, J.
Salwey, Colonel
Sandon, Viscount
Scrope, G. P.
Sharpe, General
Smith, J. A.
Smith, R. V.
Steuart, R.
Stuart, Lord J.
Stuart, V.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talfourd, Sergeant
Tennent, J. E.
Thomson, rt. hn. C. P.
Thompson, Ald.
Thorneley, Thomas
Troubridge, Sir E. T.
Turner, E.
Vigors, N. A.
Vivian, J. H.
Wakley, T.
Walker, Richard
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. H. R.
White, A.
White, Luke
White, S.
Wilbraham, hon. B.
Williams, W. A.
Winnington, T. E.
Wood, Colonel T.
Wood, T.
Worsley, Lord
Wrightson, W. B.
Wyse, Thomas
Yates, J. A.

TELLERS.

Seale, Colonel
Villiers, Charles P.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Alford, Viscount
Alsager, Capt.
Alston, R.
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Ballie, Colonel
Baker, E.
Barneby, J.
Barrington, Viscount
Barry, G. S.
Bell, M.
Benett, J.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blake, M. J.
Blennerhassett, A.
Bowes, John
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Campbell, W. F.
Cantalupe, Viscount
Cartwright, W. R.
Cavendish, hon. C.
Cayley, E. S.
Chetwynd, Major
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Viscount
Compton, H. C.
Conolly, E.
Corry, hon. H.
Crewe, Sir G.
Cripps, J.
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
D'Israeli, B.
Dottin, A. R.
Douro, Marquess of
Dowdeswell, W.
Duffield, T.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Ellis, J.
Estcourt, T.
Etwall, R.
Farnham, E. B.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzalan, Lord
Fleming, J.
Foley, E. T.
Forester, hon. G.
French, F.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gibson, T.
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Grant, hon. Colonel
Greenaway, C.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Handley, H.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Heathcote, Sir W.

Heathcote, J. G.
Hepburn, Sir T. B.
Herbert, hon. S.
Hill, Sir R.
Hillsborough, Earl of
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A. C.
Holmes, W.
Hope, H. T.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, hon. W.
Hughes, W. B.
Hurt, F.
Ingestrie, Viscount
Irving, John
Jones, John
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Knatchbull, hn. Sir E.
Knight, H. G.
Knightley, Sir C.
Lefroy, rt. hon. T.
Lemon, Sir C.
Lockhart, A. M.
Lowther, hon. Col.
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Macnamara, Major
Mahon, Viscount
Maidstone, Viscount
Manners, Lord C. S.
Marsland, T.
Marton, George
Master, T. W. C.
Maunsell, T. P.
Meynell, Capt.
Miles, W.
Miles, P. W. S.
Milnes, R. M.
Monypenny, T. G.
Mordaunt, Sir J.
Neeld, J.
Neeld, J.
Nicholl, John
Noel, W. M.
O'Neil, hon. J. B. R.
Packe, C. W.
Paget, F.
Palmer, R.
Palmer, G,
Parker, M.
Parker, T. A. W.
Pease, J.
Peel, rt. hon. Sir R.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Planta, rt. hon. J.
Polhill, Frederick
Powell, Colonel
Powerscourt, Viscount
Praed, W. M.
Price, Richard
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Richards, Richard
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, George
Russell, Lord C.
Sanderson, R.
Scarlett, hon. J. Y.
Scarlett, hon. R.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, Abel
Smyth, Sir G. H.
Somerset, Lord G.
Stanley, Lord
Stewart, John
Sturt, Henry Charles
Surrey, Earl of
Townley, R. G.
Trevor, hon. G. R.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Wall, C. B.
Walsh, Sir John
Welby, G. E.
Williams, R.
Wilmot, Sir E.
Winnington, H. J.
Wodehouse, E.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Chandos, Marquess of
Fremantle, Sir T.

Ecclesiastical Courts (Ireland).] Mr. *Barron* moved the second reading of a Bill "to Consolidate the Jurisdiction of the several Ecclesiastical Courts in Ireland into one Court, and to enlarge the powers and authorities of such courts, and to alter and amend the law in certain matters ecclesiastical." We understood him to say, that this Bill was worthy of the support of every hon. Member of that House, to whatever party he might happen to belong, because it was a measure, having for its object the establishment of a legal machinery, which would enable persons who were compelled to enter into litigation with respect to legacies, and matrimonial and other weighty causes, to obtain speedy and cheap justice. At present it was impossible for the poor man to get that justice in Ireland, and it was perfectly ridiculous to say, that he could, when the decision in cases arising out of disputed wills, which was anxiously looked for by the litigating parties, was procrastinated, year after year, until the property was wasted away, and passed into the hands of other persons, who, whatever doubts might have been started as to the intention of the testators, were never intended to have enjoyed it. Besides this, it was frequently the case that the expenses were far beyond the amount sought to be recovered, and parties were ruined in addition to losing their rights. He proposed to establish a new court of probate and divorce in Ireland, having the whole of the jurisdiction in granting probate of wills and administration, and of the contentious ecclesiastical jurisdiction. The bill being consistent with that which was the germ and essence of the British constitution—namely, trial by jury—it was proposed that the court should have power to direct in any suit depending of probate and divorces, trial by jury of any issue on any question of fact. It was well known that monstrous abuses had prevailed in the Ecclesiastical Courts of Ireland, because the judge had not had the power to send cases to a jury. It was also intended to give power to the court in suits concerning granting of probates of wills or letters of administration, to appoint a time for the summary hearing and determination of such suits, and to depart from the old practice of taking written depositions, and to take evidence *vivâ voce*, with liberty to cross-examine the witnesses. He proposed, that the appointment of ecclesiastical judges in Ireland in future should be vested in the Crown. As to the objection, that this would take away the patronage from the primate of Ireland, he would answer it by stating, that the Archbishop of Canterbury had refused to exercise the power in England, feeling that he was not in a situation to enable him to judge of the fitness of a person to fill such an office. The opponents of the bill had not dared to say, that there were not monstrous abuses existing in the Ecclesiastical Courts of Ireland, and they only objected to it on the ground that the appointment of the judge would be taken away from the primate. Let hon. Members divide the House on the principle of the bill, and he should be ready to meet them on it, but let them not fight a little, paltry, by-battle on a question of patronage. He, moved, therefore, that the Ecclesiastical Courts Bill be read a second time.

Mr. *Goulburn* felt, in common with many hon. Members, a great objection to this bill, and it was not necessary to follow the hon. Member through his excursive speech, as the objection which he entertained was directed against the manner in which this bill had been brought forward. This bill proposed to abolish the Ecclesiastical Courts in Ireland, and to appoint other courts to discharge the duties now performed by them. He confessed, that he was not very fond of encouraging individual Members of Parliament to deal with questions involving a great alteration in the judicial establishments of the country without the sanction of the Government. He had not heard any Member of the Government express his approbation of this bill, and, therefore, on that ground alone, he could not give it his support. But here was another reason why he could not assent to the second reading of the bill. The Government had announced an intention of bringing forward a measure for the purpose of improving the Ecclesiastical Courts in England, and had sent out a Commission to inquire into the working of those courts in Ireland. Now, was it advisable, under these circumstances, that they should be playing at cross purposes, and that an individual Member of the House should, on his own responsibility, bring forward a measure on a subject with which the Government had announced their intentions to deal, acting as they must upon the best legal advice, and possessing all the advantages of official information? He might further observe, that the objects of the Hon. Member's bill were not carried out by the bill itself. The bill professed to consolidate the jurisdiction of the several Ecclesiastical Courts in Ireland into one court, and by way of doing this, it constituted an Ecclesiastical Court in Wexford, Kilkenny, Westmeath, and Longford, and in every county and riding of a county in Munster, Connaught, and Ulster. [Mr. *Barron:* No.] Such provision was contained in the bill, and if the hon. Member had not read his own bill, that was an additional reason why the House should not proceed with it. Clause 66 gave the Assistant-barrister's Courtin those counties power to grant probate of wills, and do every thing that the Ecclesiastical Courts did. Thus the hon. Member would multiply the jurisdiction of Ecclesiastical Courts throughout the whole country in a bill which bore upon the face of it an intention to consolidate those courts. But the hon. Member had gone further—he had given the same power to the clerk of the peace and the deputy clerk of the peace; for it often happened, that the assistant-barrister did not reside within the county, and it was sometimes important that probate should be granted immediately. Was that an improvement of the existing law, or would it not be more advisable to leave the conduct of a measure of this kind to the Government? Another objection to the bill was, that the assistant-barristers were mostly common lawyers, but they were to decide, in granting probate, according to the Ecclesiastical law. He did not think, that such an arrangement as this would be likely to produce much satisfaction. He would not detain the House by going into a detailed examination of the other objections to the measure, but he should oppose it on the ground that the Government had already announced a determination to introduce a bill for the improvement of the Ecclesiastical Courts in England, and that they were the proper parties to carry out such a measure. He moved, therefore, as an Amendment, that the bill be read a second time that day six months.

Mr. *Hume* agreed with the right hon. Gentleman, that the Administration of the day ought to take charge of a question of such importance as the one now under discussion; but if they neglected to do so, that was no reason why others should not bring forward the subject. As to the objection that the Government having undertaken to introduce a measure respecting the Ecclesiastical Courts in England, the hon. Gentleman ought not, therefore, to have brought forward a similar measure for Ireland, he confessed he could not perceive the force of it at all. The reform of the Church Establishment was first begun in Ireland, and that by the Government to which the right hon. Gentleman gave his support. Why, then, should not the reform of the Ecclesiastical Courts begin in Ireland also? The objection as to the multiplicity of the courts created by this bill was equally unfounded. The local courts which the bill was intended to establish were for the purpose of saving the parties, in cases in which small amounts of property only were concerned, the trouble and expense of coming up to Dublin. Surely that, instead of being objectionable, would confer a great advantage on the people of Ireland. The right hon. Gentleman had not, in his opinion, stated any thing which at all militated against the principle of the bill.

The *Chancellor of the Exchequer* conceived, that it was quite natural that his hon. Friend (Mr. Barron), having been connected with the Committee that sat on this subject last Session, should introduce a bill embodying the result of the evidence taken before them. At the same time, he was aware, that that Committee had not made any report upon the subject. This increased the difficulty of the position in which he found himself placed, for he confessed, that he had not even read the bill; and, if he had, he did not possess the necessary technical knowledge to form a judgment, unaided by others, upon it. Feeling himself in this difficulty, the course he would venture to suggest to his hon. Friend, while admitting the undoubted right of any individual Member to bring forward this question, was not to withdraw but to postpone the second reading of his bill until the Attorney-General for Ireland, who was now absent from indisposition, was in his place, who, he was sure, would, no less from inclination than a sense of public duty, give every consideration to it. The House was entitled to have the opinion of that right hon. and learned Gentleman, who was thoroughly conversant with the Ecclesiastical Courts of Justice in Ireland.

Mr. *Barron* begged to state, in reply, to the right hon. Member for Cambridge, that he had not been anxious to introduce this bill; but he certainly thought it was the duty of the House to legislate upon the subject. He had called the attention of the Attorney-General for Ireland to the subject previous to last Christmas, and that right hon. and learned Gentleman then told him that he was so completely overwhelmed with public and private business, that he found it would be impossible for him to introduce a bill of this description during this Session; but he would gladly assist him in bringing forward the present measure. He wished to add, that this bill was drawn up by one of the most distinguished practitioners in Ireland—one who was now a judge, and who was second to none in professional skill, particularly in this very matter. The bill, so far from creating legal difficulties, would take the power out of the hands of the small attorneys and would give it to those learned in the law. He was not anxious to press the bill at that moment.

Second reading postponed.

Custody of Infants.] The Report on the Custody of Infants Bill was brought up, on the question that it be engrossed,

Sir *Edward Sugden* rose to oppose it. He had thought, that the bill would not have gone beyond a Committee, and as he was much opposed to the bill, he would take the sense of the House upon every stage. The true question to be decided was, whether it were for the benefit of society at large, that a woman should have the absolute right to the custody of her children whatever her conduct might be. Now, he admitted, that his learned Friend (Sergeant Talfourd) had adduced many cases of hardship, but the House ought not to legislate for particular cases, but ought to look to the general benefit of the public, to which end he thought that the proposed bill would not tend. For he thought that it would lead to many separations between women and their husbands, if the woman had this absolute right. It was true, that the bill did not at once give that absolute right, but it gave a power which was even more objectionable; it gave a right to the judge before whom the question was mooted to investigate the whole domestic life of the parties from the time of the marriage to the very day of the application, by enabling the applicant to put affidavits on the file, the charges contained in which would necessarily lead to recriminations. Affidavits would be filed on the other side, and ultimately the case would become so oppressive that it would be impossible for the judge to decide; and these statements having been made, some public prints would gladly avail themselves of them, and would parade the whole before the world. The object of the bill was, to give the wife access to her children in all cases of separation; but how could they enforce any such enactment? In the first place, the husband would take the children out of the jurisdiction of the court, so that the wife would not have access under its order; and to prevent this, was the court to settle the place where the children were to be kept? He believed, that when a separation had taken place, it would be extremely difficult to enforce any rule of this kind. Even as the law now stood, women were constantly taking their children out of the way of the husband when differences arose, and if this bill passed, the husband would be found to do the same; and, he was sure, that there was nothing so likely to continue separation, when it had once taken place, as the measure proposed by his hon. and learned Friend, than which nothing, in his opinion, could be more mischievous, though he was satisfied his hon. and learned Friend had brought it forward from the purest and best motives. His hon. and learned Friend had felt the hardships of individual cases, and intended to provide for the difficulty by proposing a general remedy, but he believed that this general remedy would not tend to the public good.

Mr. *Praed* could cordially support the bill, not seeing in it the mischief which the right hon. Gentleman feared. The question was so far removed from party feelings that he might do so, and he believed that this proposal was calculated to do more moral good than any measure which had for a long time been before the House. The right hon. Gentleman had said, that this question was, whether a woman should have the absolute right to the custody of her children, whatever her conduct might be; but this was nothing like the question before the House, and such a project had never been dreamed of by the learned Sergeant. The only question raised was, whether, when the husband and wife were living asunder, and when one parent had the custody of the children, an impartial person should have power to take the circumstances into consideration, and to give the mother limited access to her children. Was that giving to the mother the custody of her children? Above all, was it giving to her this custody whatever her conduct might have been? Nothing was so likely to keep her conduct correct as to give her licensed interviews with her children. The right hon. Gentleman also asked, what means could be taken to enforce obedience to the court's decrees? and if in no similar instance a like power had been given, the argument might have had some weight; but what objection could there be in giving the same power for higher considerations which was now possessed for lower considerations of a merely pecuniary nature? But then, it was said, the husband might rebel against the law; but did not the wife, according to the right hon. Gentleman's own admission, rebel now? and would it not be an advantage to substitute the rebellion of the husband for the rebellion of the wife? No one would say, whatever the law might be upon the case, that Mrs. Greenhill had not been grossly ill-used; and was she to have no remedy? Still, it was feared, that this remedy would sever the bond of nuptial union. This, however, was far more effectively done by the present state of society, which, whatever might have been the conduct of the husband, received him; but, though it acquitted the wife of all blame, rejected her. If, however, there were any truth in the argument, that the occasional access to the children under the order of a judge would lead the wife to separate from her husband, how much more must the daily access of the husband lead him away? The right hon. Gentleman said, however, that this bill applied only to individual cases; this was true, for happily it was only for individual cases that they must legislate, and long might it be that individual cases alone should require it; but, for those cases, was not this amendment necessary, instead of leaving the law as it now stood? So far from the question being as had been stated by the right hon. Gentleman, the true subject for their consideration was, whether the wife should be debarred from access to her children, however amiable, virtuous, and praiseworthy, her own conduct might be. In the case of illegitimate children, the law dealt more fairly with the mother, for to her was given their custody; but though it was otherwise with legitimate children, yet in nine cases out of ten, especially when the children were of tender years, the mother was the better guardian, and this no one would deny. Such was the present state of legislation; and could it be worse? The true test, however was—suppose the present state of the law to be as it was proposed in the bill of the hon. and learned Sergeant, and then suppose an hon. Member were to come down and say, that it had induced wives to quit their homes, that it had led to separation, and should call upon the House to alter it—to enact the present law, and to declare, even if the husband should have been guilty of the grossest debauchery, and had by his brutality driven his wife from his roof, yet that the husband should have the custody of the children, and that his virtuous and injured wife should not have even a limited access to them, he was sure that no individual in that House would be found to second such a proposition.

Mr. *Shaw* agreed in the opinions of his right hon. and learned Friend (Sir E. Sugden). He admitted, that there were many cases of hardship which the law did not meet, yet they ought not to legislate on individual cases; and whatever power they gave to the judge, he would have no means of enforcing it upon the husband. He thought, also, that no woman of a delicate mind would submit to call upon a court to interfere and to exercise these powers; and if they gave a legal right to a mother to see her children, the children would be induced to side with one parent or the other, and this would rather widen than heal the breach.

Mr. Sergeant *Talfourd*, in reply, said, that the case had been already so fully argued that he need only say a few words upon that occasion. Upon the first introduction of the bill, he had not selected individual cases of great hardship, but he had referred to all the cases which had come before the courts. He knew that women had a strong disinclination to bring their wrongs before a public court, and to claim the last comfort which they could enjoy in this life; it was only, therefore, in cases where the natural feelings of the mother were exceedingly strong, that the courts of law were at present called upon to interfere; but all these cases, without exception, he had brought under the notice of the House in the first instance. His right hon. Friend objected to the granting of this small quantum of justice, because it would tend to promote separation; but the right hon. Gentleman's argument was a strong one in favour of the bill, for what was more deplorable than that this depth of feeling should be the last link to prevent a virtuous woman from separating from her husband who ill uses her, and that only by this iron bond should they have the power of inducing the wife to remain under her husband's roof, and that the husband should be allowed thus to torture and to play upon the feelings of his wife, whatever cruelty he might have used towards her. But then it was alleged, that applications to the judges would tend to disclose private scandal: it would have a directly opposite effect—it would prevent the disclosure. As the law now stood, husbands must apply by attachment against their wives, and the wives outraged the laws of their country by removing the children, rather than outrage the dearer ties of nature. Now, these applications were made in public courts, where all proceedings were legally reported; but his object was, to have the cases heard before a private tribunal, which would be above suspicion, where the cases would be shielded from the public eye. It would be no defence to an action for libel, for disclosing to the public the facts detailed in the affidavits read before a judge at chambers, that the facts had appeared in such affidavits, because they would only be read at chambers, and the right to publish the reports extended only to the courts. The facts, therefore, could appear only at the instance of one or other of the parties; and even then, the publication would be equally indefensible. He placed his case on this simple point. He sought not to disturb the common-law right of the father to the custody of his children; he sought merely to allow a remedy in certain cases of grievous wrong, by giving to judges a discretionary power, which they had themselves asked for, to permit a wife to see her children. He prayed the House in some degree to assimilate the law of the land to the law of nature, and give in part that justice which had been so often prayed for, and too long delayed.

Mr. *Goulburn* was of opinion, that this bill would only apply to a few unimportant cases. The bill would give power to divorced women to see their children, and have control over them. He could not conceive a more impolitic provision. If the father wished to preserve his children from contamination, he should keep them separated from such a woman. He agreed with his right hon. and learned Friend (Sir E. Sugden) that every difficulty should be thrown in the way of separation, as there were many disputes which now ended happily, but which, under increased facilities, would terminate in separation. But he laboured under this difficulty in answering the learned Sergeant, that the cases alluded to, having never met the public eye, were not reported. They, however, were sufficiently numerous to confirm him in his opposition to this bill.

Mr. *Freshfield* was of opinion, that the judges should be given a discretionary power to allow mothers access to their children. It was said, that the bill would facilitate separation, but the present state of the law facilitated oppression, as he believed that the fault was as often on one side as on the other. He believed, that bad wives were not more plentiful than bad husbands. On these grounds, he would not have the slightest hesitation in voting for this bill.

Lord *Mahon* thought, that when criminal conduct was proved against the mother, she ought not to be permitted to see her children. If some provision of this sort was introduced into the bill, it would tend greatly to obviate the objections against it. Unless that were done, he should be under the painful necessity of voting against the bill.

Mr. Sergeant *Talfourd*, if he found the feeling of the House in favour of such a clause, and that its insertion would have the effect of removing the scruples which were at present entertained against the measure, would have no objection to introduce such a clause on the third reading, and leave the House to deal with it.

The House divided on the motion, that the Bill be engrossed;—Ayes 91, Noes 18:—Majority 73.

List of the AYES.

Abercromby, hn. G. R.
Aglionby, W. A.
Attwood, W.
Attwood, M.
Bannerman, A.
Barnard, E. G.
Barrington, Viscount
Barry, G. S.
Bewes, T.
Bolling, W.
Brabazon, Sir W.
Brocklehurst, J.
Brotherton, J.
Bryan, G.
Burrell, Sir C.
Busfield, W.
Campbell, W. F.
Chalmers, P.
Chapman, Sir M. L. C.
Chester, H.
Chichester, J. P. B.
Courtenay, P.
Craig, W. G.
Davies, Colonel
Dennistoun, J.
D'Israeli, B.
Dundas, F.
Ellis, J.
Evans, W.
Fort, J.
Freshfield, J. W.
Gibson, Tr.
Greenaway, C.
Grimsditch, T.
Hall, B.
Handley, H.
Harvey, D. W.
Hector, C. J.
Hindley, C.
Hope, G. W.
Horsman, E.
Howard, P. H.
Hughes, W. B.
Hume, J.
Hutton, R.
Inglis, Sir R. H.
Jephson, C. D. O.
Jervis, S.
Kirk, P.
Lister, E. C.
Lockhart, A. M.
Lynch, A. H.
Mackenzie, T.
Macleod, R.
Mahon, Viscount
Marshall, W.
Marsland, H.
Maule, W. H.
Milnes, R. M.
Murray, rt. hon. J. A.
Muskett, G. A.
G‘Brien, W. S.
Palmer, C. F.
Parker, J.
Pease, J.
Protheroe, E.
Pryme, G.
Rice, E. R.
Rice, right hon. T. S.
Rickford, W.
Roche, W.
Rolleston, L.
Round, J.
Salwey, Colonel
Sinclair, Sir G.
Strickland, Sir G.
Strutt, E.
Surrey, Earl of
Talbot, J. H.
Thornley, T.
Turner, E.
Vigors, N. A.
Villiers, C. P.
Wakley, T.
Wallace, R.
White, A.
Wilkins, W.
Williams, W.
Williams, W. A.
Wood, G. W.
Young, J.

TELLERS.

Talfourd, Sergeant
Praed, W. M.

List of the NOES.

Bateson, Sir R.
Buller, Sir J. Y.
Conolly, E.
Gillon, W. D.
Grote, C.
Halford, H.
Hawkes, T.
Heathcote, Sir W.
Humphery, J.
Jervis, J.
Mackenzie, W. F.
Pringle, A.
Round, C. G.
Sugden, rt. hon. Sir E.
Turner, W.
Warburton, H
Wood, Colonel T.
Wood, Thomas

TELLERS.

Goulburn, H.
Shaw, F.

COPYRIGHT.] Mr. Sergeant *Talfourd* moved the Order of the Day for going into Committee on the Copyright Bill.

Mr. *Wakley* rose to move as an amendment, that the House go into Committee on the bill that day six months. When this bill was formerly discussed, there were but seventy-five Members in the House, and the second reading was carried only by a majority of five. It could not, therefore, be said, that the sense of the House had been expressed upon the subject, and he should now endeavour to ascertain that sense by pressing his amendment to a division. Indeed, when the question had been previously discussed, not one argument was urged, nor one fact adduced, calculated to support the measure. The hon. and learned Gentleman by whom it had been introduced, admitted, that he was not about to legislate for the community, but for one in five hundred. Now the House should not look to the interests of individuals, but to that of society at large. It was not right to tamper with the vast interests which were likely to be affected by such a measure. Before the Act of Anne, as had been admitted on high legal authority, the copyright was in perpetuity; and what was the effect upon the interests of authors. Allusion had been made to the descendants of Milton; but hon. Gentlemen seemed to have forgotten, that Milton wrote at a period when the copyright was perpetual, yet, with all this protection, he was only able to procure 8*l.* or 10*l.* for his "Paradise Lost." The hon. and learned Gentleman had said, that the bill was necessary to secure literature from the freezing effects which science was likely to produce upon the spirit of the age. The "freezing effects of science," indeed! Because of the freezing effects of science, they were to legislate in favour of literature alone, and disregard all the valuable discoveries of science. It should be remembered, that science, notwithstanding its "freezing influence," had done much for authors. The efforts of capital, of industry, and of skill, had produced a reading public and created an almost undue appetite for certain classes of literature. Those who wrote for reward were at no time better paid than at the present, and as to those who wrote for posterity, why, let posterity reward them. With respect to this bill, he feared that there were some authors at the bottom of it, who imagined that, at present, they did not receive the fame and profit to which their great labours entitled them in their own opinions. The hon. Member for Maidstone had said, that Mr. Southey intended, at one period, to write a history of the monastic orders, which would procure a fame equal to that of Gibbon. With respect to the fame, he must be permitted to express his doubts. Mr. Southey, it appeared, had been deterred from undertaking the work, because he could only enjoy the copyright during his life. It was much to be doubted whether Mr. Southey would have ever carried his intention into effect, if copyright had been as he wished. If the authority of the right hon. Baronet, the Member for Pembroke were to be relied upon, with respect to Mr. Southey, it was very improbable that he would have prosecuted the work. The right hon. Baronet, on one occasion, gave it as his opinion of Mr. Southey, that that Gentleman had so often changed sides, it would be impossible to say what his opinion would be upon any subject at any given time. The right hon. Baronet's opinion upon such a subject was entitled to some weight, as he had himself changed sides. Indeed, literary men were peculiarly fickle, as much so as young girls. The real question for the House to consider was, whether authors were, at present, sufficiently remunerated—whether sufficient inducements were held out to make them exert themselves—and whether the public at large were benefitted by the present law. Now, with respect to science, he would ask, where would authors have been, but for the discovery of printing? In 1,000 years previous to the 16th century, there were but 300 books brought out in this country. What was the produce since? Six hundred had been published in one year. He denied, that there was any real distinction between the production of a book and any other invention. They were all the production of mind, whether impressed upon paper, upon metal, or upon glass. The proper question was, which production would be likely to prove most useful to the public. In the medical profession, the man would be despised and set down as a quack, who attempted to keep secret any valuable discovery which he might happen to make. The hon. and learned Sergeant appeared to have particularly in view an author who was of opinion, that he was not sufficiently appreciated by the public. That author had written certain works, which the public would not read, and in his opinion, the public were in the right. The hon. and learned Gentleman seemed to think, that authors were entitled to a perpetuity in their copyright, but as he could not procure that for them he was satisfied to take it for their lives, with an addition of sixty years. The hon. and learned Member for Ripon, who was a good authority in such cases, had informed them that such a right was a right in perpetuity, and that no person would give a farthing for its reversion. The hon. and learned Gentleman who brought forward this measure, wanted no Committee. He did not seek for any inquiry, because he was afraid of the facts which would come out. There were Committees on this subject in 1814 and 1818, and the result of their inquiry was, that the protection should not extend beyond twenty-eight years. [An *hon. Member:* Fourteen years.] One Committee was for fourteen, the other for twenty-eight years, but he would take the longer period. In 1814, a bill was brought in by a Mr. Giddy, and a very giddy person he appeared to be. So dissatisfied was that hon. Gentleman with his own bill that he moved the report should be taken into consideration in the following session, but the authors then in the House thought it best to accept it even as it was. Was there really any ground of complaint on the part of authors? Look at Sir Walter Scott, who had realised 260,000*l.* by his works. He did not envy him. He thought him well entitled to it. He would call upon the House to observe how strenuously the proposition was supported by hon. Gentlemen on the opposite side. [Sergeant *Talfourd:* And on this.] The hon. and learned Gentleman appealed to the Chancellor of the Exchequer. He admitted, that he was the Chancellor of the Exchequer, but he was not that side of the House. He was glad, that the works of Scott had been appreciated, but if it were said that Sir Walter Scott's family were not in affluence, he would ask, whose was the fault? Was it the fault of the public? Was it the fault of the publisher? No such thing. The fault lay with Sir Walter Scott himself. If that gentleman had been content with his legitimate profit, as an author, he would not have fallen into the difficulties by which he had suffered. He wished to join the profits of trade to the profits of literature, and thence came the crash. He found, that the difficulties under which Sir Walter Scott laboured, were the consequences of —he did not wish to use the harsh term of avarice, but his too great love of gain. He would refer them to scenes which now were passing before them; he would ask them how the present system of copyright worked with regard to authors and the public, and he would show, that it was quite sufficient for all legitimate purposes of writers, and of the public. The publishers were the best judges of the real value which should be attached to the works of authors; and, notwithstanding literary gentlemen might imagine publishers destitute of taste, the profit books would produce, was decidedly the best test of their value. This was a bill which was not a question of party. All classes, and all parties were equally concerned; the rights of the public were deeply interested, and he trusted they would not be neglected to grant an undue privilege to authors, however deserving those gentlemen inside and outside the House, might feel themselves of an especial protection for their works. Let the House investigate all the circumstances connected with this bill — let them not be led away to a decision by an eloquent speech — let them appoint a special Committee to inquire into the circumstances; and before that Committee, he pledged himself some facts would be elicited, calculated completely to defeat the bill. Upon such a subject, it would be far better to have some positive and undeniable evidence, than the speeches or opinions of authors, who might entertain a very different opinion of their own works from that entertained by publishers or the public. He would quote a few instances for them which, in all probability, would create sufficient astonishment amongst some of the warmest supporters of the bill. There was one gentleman, well known to hon. Members, who was editor of the *Quarterly Review*, and had published some admirable works. He alluded to Mr. Lockhart, who was, he believed, a friend to the bill. He had some time since published a work at 10*s.* 6*d.* which had afterwards been bought in cart loads by Mr. Tegg, the bookseller, in Cheapside, for 9*d.* a volume. Would the Copyright bill enable him to get 9½*d.*? At the end of twenty-eight years, would those books be more valuable than they were when the bookseller purchased them? Would any author come forward after the expiration of that period to claim his share in the superabundant profit arising from the 9*d.* a volume? He would bring forward another instance, namely, Mr. Lytton Bulwer, who had been very successful as an author, and whose works he had always read with that delight which they could not fail to produce. That gentleman had not long ago published a work "England and the English;" at 1*l.* 11*s.* 6*d.*, in three volumes. [Mr. *Bulwer:* No, two volumes, at 1*l.*] He was obliged for the correction, but it did not materially affect his argument. What had that work been purchased for by Mr. Tegg, who was a most respectable Conservative gentleman, and had lately been a candidate for the office of alderman of the city of London? There was no Gentleman a better judge of the proper value which attached to a publication, and he had purchased Mr. Bulwer's "England and the English" for 1*s.* a volume—the work for which Mr. Bulwer had so high a respect as to publish at 1*l.* Those were facts that were calculated to throw light upon the merits of authors in their own estimation, as compared with that esteem in which they were held by the publishers. He did not mean to say, that those authors were not deserving of high remuneration. He trusted they had received it, and he would venture to say, that so far from the prices of Mr. Tegg discouraging Mr. Bulwer, that hon. Gentleman would yet bring forth numerous works as clever, and deserving of support as those which had gone before. There was another hon. Gentleman, who sat at the opposite side of the House, and who had also gone under the hands of Mr. Tegg. The talented author of "Vivian Grey" and several other works, had suffered from the depreciation of price. He trusted that no word he uttered with reference to those talented Gentlemen would be taken as conveying any disrespect or any feeling other than that of admiration for their abilities; but he instanced those cases because, from the high character of those Gentlemen as authors their names would convey greater weight. "Vivian Grey" had originally been published at 1*l.* 11*s.* 6*d.*, and it had been afterwards bought by Mr. Tegg for 8*d.* per volume. Was it for the purpose of selling them at a high price in sixty or even in thirty years, when perhaps he might be in his grave, that Mr. Tegg bought them? No; that Gentleman was sufficiently wary in his money calculations, and it was with a hope of a speedy sale he purchased them, for he knew well, as a mercantile man, that money should have a quick return in order to insure profit. He knew that so far from having a view to selling them at a remote period they would go on the butterman's counter if they were not sold quickly. He would now call their attention to another gentleman, who, although not in that House, was sufficiently well known to them all by his literary character, Hook, editor of the *New Monthly Magazine*, and he believed also of the *John Bull*—at least so his memorandum stated. One of that gentleman's last works had gone to Tegg too. It had been published by him at 1*l.* 11*s.* 6*d.*, and Mr. Tegg had purchased it for 8*d*, a volume. He (Mr. Wakley) did not know why the publisher had given Mr. Hook but 8*d.* while he gave others more—but such was the fact. The next on his list was Captain Marryat. He had also gone to Mr. Tegg and one of his works which he had published at 1*l.* 11*s.* 6*d.* was purchased by Mr. Tegg for 9*d.* per volume. These were facts which Mr. Tegg would have no objection to communicate to the House or any hon. Member who wished to interest himself upon the subject so far as personally to inquire. He had a large stake in such proceedings, and was, of course, actuated by the honest principle of giving for them what they were worth to him. The stock in books of that gentleman was valued at 170,000*l.* There was another instance which should be the last; it was the case of a political writer. Every one knew the newspaper called *The Examiner*, the editor of which was a man of wit and talent, indeed of very distinguished abilities, and who had never debased himself, notwithstanding the severity of some of his political writings, with attacks on private character. He (Mr. Wakley) had occasionally been attacked by this man, and he felt bound to make this admission. The gentleman to whom he alluded, Mr. Fonblanque, had published a work with a very captivating title, called England under Seven Administrations. The two volumes of this work had not been published twelve months, and the price was 1*l.* 4*s.*, and Mr. Tegg had bought a large quantity of them at 1*s.* a volume. There was no special protection for this work of Mr. Fonblanque in the present bill, but its depreciation in the market did not deter that gentleman from continuing to write. The truth was, that the bill was a mere mockery, and was no protection whatever to an author. There were several other names on Mr. Tegg's list, but he would not detain the House by going through them, but he trusted that hon. Gentlemen would pay this bookseller a visit, when, no doubt, they would obtain much information on the subject. Would those Gentlemen cease to favour the world with their works? Not so, they would publish on as before, depending upon the popularity of their writings to procure a sale. Seeing on the whole that the bill rather appealed to their sympathy than to their reason, and bearing in mind that many of the authors who most adorned our language lived at a period when there was no copyright, and also that the statute of Anne had been found amply sufficient for the protection of the interests of authors and literature, he felt bound to oppose this bill, and, above all, because, without protecting the interests of authors, it would materially injure the interests of printers and publishers, as well as of other classes and of the community at large. He would ask, then, whether they would enact such a law, inflicting so much injury, and without deliberation, merely because it had been supported by an eloquent speech? No reasonable grounds had been stated in its favour, no facts had been produced which would justify its enactment, and, therefore, before they adopted it, they should take care that it was the result of inquiry, and seeing also what princely fortunes had been made by literature, he would not injure literary men so much as to support this bill. He should, therefore, propose that it be committed that day six months.

Mr. *Milnes* said, that when the hon. Member for Finsbury stated his wish for a renewed consideration of that bill, he must have considered that there was a great dearth of business before the House. In his recollection he did not remember any subject which had been more fully and completely discussed than this had been on the last evening during which it was discussed. He never took part in a debate during which every bearing of a question was more fully gone into or completely entertained than that which he had the honour to join in the other evening. In his opinion the speech of the hon. Member for Finsbury, though sufficiently amusing, was certainly not remarkable for anything like a sound argument against the bill. He had adduced some very spiteful and ingenious quotations, but he had also accompanied them with very false analogies. He was not displeased at the speech of the hon. Gentleman. There was a good deal of drastic humour, which was a great treat to the House, and as such he had no objection to hear it; further, his speech had no merit—it had an appearance of being the speech more of a delegate from Mr. Tegg than of a legislator engaged in an important discussion of the merits of the very valuable and important bill before them. He had instanced the case of his own profession, when any new or important discovery was made. Was ever anything less in point than such a case. Why, there did not exist the slightest—the most remote—analogy between the two cases. If a gentleman belonging to the medical profession made any important discovery in it, the very fact of his having done so was the herald to his fortune; his fame was immediately spread abroad—his eminence was established—and the consequent tangible benefits followed. Daily advantage arose to him. But, he would ask, had this any analogy to the case of a man who sacrificed his life, and his talents, and all his exertions frequently to the advantage of other generations? In every other point the speech of the hon. Gentleman was totally incoherent, and he had cited that as an instance; indeed perhaps, he should have said more correctly, that if that speech had any weight at all it was at his (Mr. Milnes's) side. If it proved anything, it proved that works were to be had as cheaply now as they could be had at any future period, even allowing that the bill had been passed; and as cheaply as the greatest lover of literature could wish. Did the hon. Member blame the booksellers for giving so low a price to the authors whose names he had instanced? Did he object to the 8*d*. or 10*d*. a volume which had been given for those works? Was that the meaning of his having brought them before the House? And if such had not been his motive for having introduced those cases, where was his motive? Surely if literary works of established merit, and by the best authors—men whose fame was generally recognised—if those works could be purchased by the booksellers for so small a sum it did not argue that the public were not now as generally supplied with literature as they could be under any new arrangement. A good system of copyright would, he had no hesitation in saying, so far from raising unduly the price of literature, have rather a contrary effect. Look to Germany, a country which had benefitted more by literature than any other nation in Europe, and she had achieved all those incalculable advantages under the operation of a national copyright bill. Here was an instance which at once answered all the objections of those opposed to the measure which he had such pleasure in supporting. In France at this moment the printers and publishers were seeking for a national copyright bill, to protect them from the mad competition which the present system produced. In America the case was similar; there also the very men whom the hon. Gentlemen assumed to advocate were calling for a copyright bill as a means of protection for themselves. He believed that a just system would benefit the public generally and the authors in particular, by affording them a protection which at present they did not enjoy. It was said the Legislature were called upon to act for the benefit of a few; perhaps there was a good deal of truth in that, but if one person in 500 should be benefited by it the remaining 499 would not be injured. And if those few persons had sufficient claims to protection, it might be granted rather to the general advantage as every just system would always necessarily be. It was rather singular that this bill received so much opposition from an hon. Gentleman who belonged to a party that were always crying up the great advantages the people were daily receiving from the advancement of intellectual improvement. If this advancement were proved to be so great, was not the natural inference an appetite for good works which would act with sufficient power to the national advantage under a just copyright bill; and would they, the advocates of intellectual advancement and scientific improvement, deny to the rising generation the advantages that would necessarily arise from works published with a higher design than pleasing the passing taste of the day—works written without a regard to servile patronage, or any of those unhealthy means of success which at present had too much weight? Why should not authors have the same advantages that all other men had? Why, he would ask, were the great names which adorn our literature deprived of that encouragement and protection which had been freely afforded to the Arkwrights and the numerous similar names which were an honour to this country?. The hon. Member for Finsbury had said that this was not a party question. He was happy to think that all parties felt equally interested. The Whig was as warm an advocate as the Tory. He would not occupy the time of the hon. House longer; it was a measure which had been fully discussed, and would, he trusted, be soon passed into a law.

Mr. *Wolverley Attwood* said, he would not have obtruded himself upon the House if it did not appear to him that the speech of the hon. Member for Finsbury was totally a failure in its objections to the bill. The hon. Gentleman had spoken as if it were required to give authors an exclusive privilege in their relation to the public, or an unfair advantage over other professions; as if it were sought by the hon. and learned Gentleman who had introdued that bill to enable authors to avail themselves of profit from the labours of others. That was not the fact. Nothing could be farther from its import. The object of the bill was to place authors, with regard to their mental labour, on an equality with every other class of men. It was only required to give them that protection which was their just right. It was not a perpetual copyright system that was proposed—it was a bill merely to secure to authors a fair interest in their works, which the present system denied to them. He was glad to find the hon. Gentleman opposite was unable to produce a sounder argument against protecting the author than the want of capital risked in their works. Were not their time, their talents, frequently their health, as much their own as any property could be defined to be, and was not this, in the eyes of every sensible man, an investment of capital? These were the author's property, and merited at their hands protection. The author had as strong a claim for the protection of his rights as any man in society, and yet he was the only person left now unprotected. The argument of the hon. Member for Finsbury, with regard to one person in five hundred, had decidedly the effect of supporting the bill, for if it were acknowledged that of literary men so small a portion was successful it was quite clear the present system worked badly for the authors. It was neither supposed, nor even asserted, that there was any inadequacy of talent amongst the catalogue of our literary characters; and yet it was admitted by the hon. Member for Finsbury, that so small a number as one in five hundred were successful in obtaining the advantages to which they were proposed to be entitled by the Bill before the House. Why, then, should those men, the class of the community with, perhaps, the largest claims, be deprived of a right in their own productions? There had not been a solitary well-founded or solid reason brought forward by the hon. Member for Finsbury in favour of his view of the subject. Nothing could, however, be more injurious in its effects upon literature, and, as a necessary consequence, injurious to the public generally, than a system allowing a twenty-eight years' copyright. The direct tendency of this would be to produce a supply of works calculated solely with a view solely to please the ephemeral taste; thus depriving posterity of all the advantages which would arise from works calculated to last a longer period. If they did not afford protection to durable works, and such as were not written alone with a view to present taste, it was idle to suppose that authors would produce them. The supply would only be produced by the demand, and no work of a lasting nature could be looked for, at least with few exceptions. The hon. Member had said, that an author, if he did not receive promise of sufficient remuneration, might deprive the public of his work, and act the part of the dog in the manger. Nothing could show more clearly the want of sufficient grounds of objection to the bill than such an argument. If an author had acted as had been supposed—if he had refused to publish his work without receiving the remuneration he thought it deserving of, who had a right to deprive him of full control over his own production? Why call on him to publish it against his will? Where did the right of the public commence? Was it when the work was published, or while it was in manuscript? This right of refusal to publish without proper remuneration was clearly an author's privilege, and could not be too well protected. Every case quoted bore in favour of the bill. The case of Dr. Southey was a strong instance where the present law of copyright was insufficient to ensure him a proper remuneration for his works; totally insufficient with regard to the duration of his copyright. It was one of those cases which exactly went to prove what the advocates of the bill contended for—the great inefficiency of the present unjust system. Upon the last evening when this bill was before the House, it had been stated by the hon. Member for Bridport, that authors were stimulated by sentiment, or love of fame, or some such motive, and that such motives were in their idea sufficient reward. It was well known that authors, generally speaking, were actuated by very different feelings. The hon. Member for Bridport, when he paid that hollow and empty compliment to authors, must have been aware that as a class they depended for their subsistence upon their works. The greatest authors who ever wrote depended upon their writings for their daily bread. This fact was undoubted—it was not for fame—it was not for plaudits that those works were produced which did honour to this country, and from which the public had derived such inestimable benefits, daily subsistence being the stimulating principle in most cases of that description. The assertion that public competition was the best criterion of merit in an author, and would secure him a price for his works in case they were worthy of purchase, was a most futile one. As he said before, it was true public competition might, to a certain extent, ensure a sale to light or volatile works; but this very fact would have the direct tendency of inflicting a grievous injury upon the literature of the country by producing a supply of such works as would accord with the prevailing taste of the day. Were they then to protect that description of writing, and give no protection to that of a more durable kind, often, let it be remarked, most calculated to confer a lasting benefit upon the nation? Authors did not claim any exclusive privilege over the community: they did not demand a right to tax the public. They demanded the same rights that protected the labours of every other class in the community. It was said, that this bill would injure the rights of publishers, printers, and others. As well might bricklayers object to the rights of property, because such a right had a tendency to prevent building houses. There was no right in any class to object to the measure proposed. It was brought forward for the purpose of protecting the rights of a respectable and deserving class, and the public would be equally benefitted. He, therefore, trusted, for the public good, that the unprecedented opposition which this bill had received would be found totally unsuccessful.

Mr. *Warburton* said, that he should endeavour to have every clause in the bill fully and fairly debated in the Committee, in order that the operation of every clause might be fully understood by the public, with a view, if possible, of defeating the measure before it reached a further stage. He was satisfied the bill was founded on the most fallacious principles. The main defect was, that it consulted the protection of the individual author, and not of the species. But the real question was, whether the present law was expedient or not. The principle of the statute of Anne, as well as that of the statute of George 4th, which altered it, was to give what might be a fair remuneration to authors, and to effect a reasonable compromise between them and the public. Did this bill, he asked, give a sufficient compensation to authors, and hold out adequate inducement to write; and more, did it give the reversion of the copyright to the public at such an early period as to give them the full benefit of the works that might be published? And what had been the effect of the existing laws, for that was the true question to put with a view of ascertaining what were the benefits of the present state of copyright law? Would any one question the prosperity of the existing state of the bookselling trade? In short, he was at a loss to know what the author of the measure proposed as an inducement to authors to write works requiring labour and research. Did any man pretend to say, that, after the passing of this measure, authors were likely to receive a greater sum for the extended copyright than they obtained on their works at present? It had not been even attempted to be shown by the hon. and learned Gentleman that such would be the result. Again, it had been suggested, that they ought to put authors under a kind of entail, in regard to their property in their works, yet neither by the measure of the last, nor by that of the present Session, was it attempted to carry the suggestion into effect, or to establish a perpetual entail, by which an author should be prevented from disposing of his works, away from his own family. There was another view of the subject, which he thought deserving of the attention of the House. With the single exception of works of imagination, the compositions of all authors underwent that progression which works of science might be said to undergo. If, therefore, an extension were given, to the copyright of authors of any denomination whatever, the public would be deprived *pro tanto* of the advantages, which under the present system they might reasonably expect to enjoy from the progress of improvement, and the advance of knowledge and skill. The effect of the bill, on the fairest calculation, would be to extend the copyright about 100 years. The works of all authors, dating between 1738 and the present time, would, under the bill, unless the public chose to purchase in a shape different from that in which they were originally published, become closed books to the reading portion of the community. But the two principal effects of the bill would be—first, that, upon the average, all works that survived the first short period after their seeing the light, would experience a rise in price; and secondly, and what more seriously and more dangerously affected the public, the bill would prevent the diffusion of useful knowledge. There was, he begged to assure the House, very great danger that valuable works, in consequence of being placed as they would be placed if this bill passed, for so long a period beyond the reach of the public, except at unreasonable prices, would sink into oblivion, and the benefits, the learning, labour, and research of the authors be lost to the public. For these reasons he should cordially support the amendment.

Mr. *Praed* said, in the course of the debate the abstract right of authors to their literary property had been broadly stated; but he begged to remind the House, of an authority of some weight on this subject, and that was the report of a Committee of the French Chamber of Deputies which had been appointed last year by the King of France to investigate the subject of copyright. Their report, which was well worthy of attention, stated that on the question of the abstract right of individual authors they had refrained from entering, as they felt that the difficulties which surrounded the subject were too great to allow of their delivering an opinion upon it. But the reporter went on (and he begged the attention of the hon. Member for Finsbury, who had spoken of men of science, to this part of it) to represent that the opinions of men of science, as Cuvier and others, were unfavourable to it. In reply to the hon. Member for Finsbury's argument as to the cheapness of books, he could not perceive the force of it. What were the facts? A book when it became cheap did not necessarily vanish from the market. *Vivian Grey*, and the other works alluded to, were still to be purchased, and were purchased every day, so that he could not see how the argument applied.

Mr. *Strutt* was opposed to the motion of the learned Sergeant. It had been stated, that in a measure of this kind the advantage of the public ought to be held in view, and that in giving this monopoly they ought to be bound by a consideration of the advantages which the public might be likely to obtain. Now, to this he fully agreed. Their sole object ought to be this, and to this the measure ought strictly to be limited. In the course of the debate he had heard the abstract right of an author to his works affirmed; that he was entitled to keep the public from the full benefit of that, which he put forth in the first instance for his private pecuniary advantage. Now, he thought that from the moment an author put his thoughts upon paper, and delivered them to the world, his property therein utterly ceased. An analogy had further been attempted to be established between the property of an author in his works and property in lands; but this appeared to him an analogy of the very vaguest kind, and neither on that or on any other grounds were they justified in extending the term of copyright to such an extent as would be injurious to the public. The case of Germany had been cited as an instance where literature was highly successful, and where there existed a perpetuity in copyright with a view to prove that a perpetuity in copyright was advantageous to literature. He was, however, of opinion that the case of Germany would lead to the opposite conclusion, for throughout most of the states pirating was carried on so extensively, and with such facility, that in point of fact authors possessed no copyright at all,

Sir *R. H. Inglis* said, that the arguments of the hon. Member were quite inconsistent with his conclusions. The hon. Member for Finsbury had endeavoured to render the question a party question; but a glance at the former division on the bill would put an end to that attempt, and prove that it was altogether the contrary. It seemed to be the opinion of the hon. Member for Derby, that the whole business of the world was to get as much from authors as possible—to treat them as horses—work them to the last, and then cast them off. The great practical evil of the present law was the effectual bar it placed against improvement and emendation by authors in their own works. An author at present might bestow a number of the most important corrections on a work, and yet if his copyright expired at the same time, he might be debarred of all advantage from them by an unscrupulous publisher giving an early edition, without the corrections, in a cheap form to the public. A bad author could derive no benefit from the bill, though he would derive no injury either; while a good author, whom it was the duty of the country to encourage, would receive by its means the protection he merited. As far as regarded the main question, he felt bound to say for himself that he should in his own person desire nothing more for the literature of England than to see it defended by the hon. and learned Member for Reading and attacked by the hon. Member for Finsbury.

Mr. Sergeant *Talfourd* said, if he had advanced no arguments in favour of the measure on a former occasion, he regretted it so much the less as he found few to answer now. He could find nothing in what had been urged by the hon. Member for Finsbury which did not go to support, rather than impugn the bill before the House; for when he heard from that hon. Member that Milton only got 10*l.* for the copyright of his "Paradise Lost," while Mr. Tegg, the leader of the present opposition to the measure, had a stock worth 170,000*l.* derived chiefly from the republication of works of merit, the copyright of which had expired, he could not help thinking that the deduction and argument were in his favour. He had heard with surprise a repetition of the arguments of the Solicitor-general that night. If they were correct then there was no longer any such words as gratitude and justice in our vocabulary, and the best feelings of human nature were sacrificed to the heirs and successors of Mr. Tegg, or reduced to the cold, dead level of the utilitarian philosophy. The House was legislating now for the species, and not for the individual, as had been asserted in the course of that debate; for was it not legislating for the species to legislate for those who informed them—their teachers? If they could have selected the "mute inglorious Milton" what honours, what rewards, would they have thought too mighty to be conferred on him in his own era? And now, when the fulness of time had conferred immortality on the son of genius, would they strip him of his just remuneration? The hon. Member for Finsbury had said "Let those who write for posterity be rewarded by posterity;" but the hon. Member would not allow posterity to reward them. How much more consistent and equitable it would be, instead of tardily appropriating a public grant of money, simply to allow the fitting reward to find its way in the fair mercantile channels through which authors and their heirs would certainly receive it if the Legislature permitted them. His opponents asserted that they sympathised with what was good, and great, and lasting in the literature of their country. He entreated them to prove it, and thereby establish also their sympathy in the cause of justice and of right.

The House divided on the original motion: Ayes 116; Noes 64: Majority, 52.

List of the AYES.

Acland, Sir T. D.
Alston, R.
Arbuthnot, hon. H.
Attwood, M.
Attwood, W.
Bailey, J., jun.
Baring, H. B.
Barrington, Viscount
Bentinck, Lord G.
Berkeley, hon. G.
Bewes, T.
Bramston, T. W.
Bulwer, E. L.
Burrell, Sir C.
Campbell, W. F.
Cantalupe, Viscount
Cavendish, hon. C.
Cavendish, hon. G. H.
Chandos, Marquis of
Codrington, C. W.
Compton, H. C.
Conolly, E.
Craig, W. G.
Cripps, J.
Curry, W.
Darby, G.
Darlington, Earl of
Davies, Colonel
D'Israeli, B.
Duncombe, hon. A.
Egerton, W. T.
Ellis, J.
Estcourt, T.
Etwall, R.
Filmer, Sir E.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gladstone, W. E.
Glynn, Sir S. R.
Gordon, R.
Graham, rt. hn. Sir J.
Greene, T.
Grimsditch, T.
Grimston, Viscount
Halford, H.
Handley, H.
Harland, W. C.
Hawkes, T.
Heathcote, Sir W.
Heathcote, G. J.
Hector, C. J.
Hepburn, Sir T. E.
Herbert, hon. S.
Hillsborough, Earl of
Holmes, W.
Hope, G. W.
Horsman, E.
Howick, Viscount
Hutton, R.
Ingham, R.
Jenkins, R.
Kirk, P.
Lambton, H.
Lascelles, hon. W. S.
Lefevre, C. S.
Lockhart, A. M.
Mackenzie, T.
Mackenzie, W. F.
Macleod, R.
Mahon, Viscount
Master, T. W. C.
Maunsell, T. P.
Miles, P. W. S.
Milnes, R. M.
Monypenny, T. G.
Mordaunt, Sir J.
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Neeld, J.
Neeld, J.
O'Neil, hon. J. B. R.
Packe, C. W.
Palmer, C. F.
Palmer, R.
Parker, T. A. W.
Patten, J. W.
Perceval, Colonel
Powerscourt, Visct.
Praed, W. M.
Price, Sir R.
Price, R.
Pringle, A.
Protheroe, E.
Pusey, P.
Rice, rt. hon. T. S.
Rolleston, L.
Round, C. G.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord
Sandon, Viscount
Shaw, rt. hon. F.
Sinclair, Sir G.
Slaney, R. A.
Talbot, J. H.
Tancred, H. W.
Vere, Sir C. B.
Vigors, N. A.
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Wilkins, W.
Winnington, T. E.
Wyse, T.

TELLERS.

Talfourd, Sergeant
Inglis, Sir R. H.

List of the NOES.

Abercromby, hn. G. R.
Aglionby, H. A.
Alsager, Captain
Bailey, J.
Bannerman, A.
Briscoe, J. I.
Brotherton, J.
Buller, Sir J. Y.
Busfield, W.
Chalmers, P.
Colquhoun, J. C.
Dennistoun, J.
Dowdeswell, W.
Duke, Sir J.
Duncombe, T.
East, J. B.
Easthope, J.
Eastnor Viscount
Evans, W.
Fort, J.
Gillon, W. D.
Hale, R. B.
Hawkins, J. H.
Hayter, W. G.
Hinde, J. H.
Hindley, C.
Hughes, W. B.
Hume, J.
Jephson, C. D. O.
Jervis, J.
Jervis, S.
Jones, J.
Kelly, F.
Kinnaird, hon. A. F.
Lister, E. C.
Marshall, W.
Marsland, H.
Maule, hon. F.
Nicholl, J.
O'Brien, W. S.
O'Callaghan, hon. C.
Pease, J.
Pechell, Captain
Philips, M.
Pryme, G.
Rice, E. R.
Richards, R.
Roche, W.
Roche, D.
Rolfe, Sir R. M.
Salwey, Colonel
Somerset, Lord G.
Stuart, V.
Strutt, E.
Sugden, rt. hon. Sir E.
Teignmouth, Lord
Thornley, T.
Turner, W.
Villiers, C. P.
Wall, C. B.
Wallace, R.
White, A.
Williams, W.
Williams, W. A.

TELLERS.

Wakley, T.
Warburton, H.

The Bill committed *pro forma*, and House resumed.

SALMON FISHERIES (IRELAND).] Colonel *Conolly* moved the second reading of Salmon Fisheries (Ireland) Bill, in which it was advisable to adopt some modification, and hoped it would be allowed to go to a Select Committee when this might be effected.

Mr. *W. S. O'Brien* opposed the measure, which he conceived to be highly restrictive to the liberty of the subject. He thought the second clause was particularly objectionable, which went to compel magistrates to summarily decide causes and punish parties brought before them or pay a fine of 20*l*. He moved as an Amendment that the bill be read a second time that day six months.

Mr. *W. Roche* supported the Amendment, as he deemed the operation of the bill would be to render the use of salmon still less accessible to the poor and middling classes, and to increase the vexatious restrictions apparent in the old law.

Mr. *Warburton* said, that the bill appeared to him most absurdly constructed. It enacted that no person should catch salmon in the sea or in the rivers of Ireland, or within a mile of their mouths; and then follows an exception in favour of those who have fisheries established within these rivers! Now it was well known that the finest salmon were caught in the sea; so that the effect of the bill would just be to prevent them being caught where they ought to be caught. He thought it, however, quite useless to trouble a Committee with this bill when the mover had abandoned the principal clause.

Viscount *Morpeth* said, that if he had any hope of any benefit being effected by bringing the bill into a Select Committee he should not oppose it; but, after the gallant Colonel had consented to give up the principal clause, he did not think there was sufficient substance in the remainder to make it worth their while to appoint a Committee.

Bill withdrawn.

SALMON FISHERIES (SCOTLAND).] Mr. *W. F. Campbell* moved the second reading of the Salmon Fisheries (Scotland) Bill, and said, that he had sat on three Committees on this subject, and was convinced of the justice of the Bill. He was open to any suggestions that might be made in Committee.

Mr. *Brotherton* said, as this was an opposed bill, he should move the adjournment of the House, as it was too late to go on with it.

The House divided on the question of adjournment: Ayes 37; Noes 41: Majority 4.

List of the AYES.

Bentinck, Lord G.
Buller, Sir J. Y.
Codrington, C. W.
Colquhoun, J. C.
Conolly, E.
Curry, W.
Darby, G.
Dennistoun, J.
Evans, W.
Fox, G. L.
Gaskell, Jas. Milnes
Gordon, R.
Grimsditch, T.
Handley, H.
Hawkes, T.
Hayter, W. G.
Hepburn, Sir T. B.
Hume, J.
Jervis, J.
Lockhart, A. M.
Lynch, A. H.
Mackenzie, T.
Macleod, R.
Maule, hon. F.
Morris, D.
O'Connell, M.
Powerscourt, Viscount
Protheroe, E.
Richards, R.
Rundle, J.
Sinclair, Sir G.
Thornley, T.
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.
Williams, W.

TELLERS.
Brotherton, J.
Chalmers, P.

List of the NOES.

Abercromby, hn. G. R.
Aglionby, H. A.
Alston, R.
Arbuthnot, hon. H.
Archbold, R.
Ball, N.
Bannerman, A.
Barrington, Viscount
Blair, J.
Callaghan, D.
Campbell, W. F.
Cantalupe, Viscount
Craig, W. G.
Dunbar, G.
Duncombe, T.
Estcourt, T.
Etwall, R.
Ferguson, Sir R. A.
Gibson, T.
Gillon, W. D.
Gordon, hon. Captain
Hale, R. B.
Hillsborough, Earl of
Hinde, J. H.
Hughes, W. B.
Jackson, Sergeant
Jephson, C. D. O.
Kinnard, hon. A. F.
Lefevre, C. S.
Mackenzie, W. F.
Mordaunt, Sir J.
Morpeth, Viscount
Nicholl, J.
Patten, J. W.
Pechell, Captain
Perceval, Colonel
Pringle, A.
Rice, rt. hon. T. S.
Rushbrooke, Colonel
Talbot, J. H.
Williams, W. A.

TELLERS.
Holmes, W.
Greene, T.

The House again divided on the question that the bill be read a second time; Ayes 45; Noes 13: Majority for the second reading 32.

List of the AYES.

Abercromby, hn. G. R.
Aglionby, H. A.
Arbuthnot, hon. H.
Archbold, R.
Ball, N.
Bannerman, A.
Barrington, Viscount
Blair, J.
Brotherton, J.
Buller, Sir J. Y.
Gallaghan, D.
Clerk, Sir G.
Codrington, C.
Craig, W. G.
Curry, W.
Darby, G.
Dunbar, G.
Etwall, R.
Fox, G. L.
Gaskell, Jas. Milnes
Gibson, T.
Gillon, W.
Gordon, R.
Gordon, hon. Captain
Grimsditch, T.
Hawkes, T.
Hepburn, Sir T. B.
Hinde, J. H.
Hughes, W. B.
Jephson, C. D. O.
Kinnaird, hon. A. F.
Lockhart, A. M.
Lynch, A. H.
Mackenzie, W. F.
Morpeth, Viscount
Nichol, J.

O'Connell, M.
Patten, J. W.
Pease, J.
Pechell, Captain
Perceval, Colonel
Powerscourt, Viscount
Pringle, A.
Protheroe, E.
Rushbrooke, Colonel

TELLERS.
Campbell, W. F.
Holmes, W.

List of the NOES.

Bentinck, Lord G.
Cantelupe, Viscount
Dennistoun, J.
Hale, R. B.
Mackenzie, T.
Macleod, R.
Maule, hon. F.
Mordaunt, Sir J.
Richards, R.
Rundle, J.
Sinclair, Sir G.
Vigors, N. A.
Wakley, T.
Warburton, H.

TELLERS.
Wallace, R.
Chalmers, P.

HOUSE OF LORDS,

Thursday, May 10, 1838.

MINUTES.] Bill. Read a first time:—Slave Trade Conventions (Hanse Town and Netherlands).

Petitions presented. By the Earl of DERBY, several, from places in Lancashire, by the Marquess of SLIGO, a great number of petitions, from various parts of the country, and by Lord RASHLEIGH, several, from Essex, for the immediate abolition of Negro Apprenticeship.—By Lord HOWDEN, from a place in Yorkshire, praying for some alterations in the Poor-law Amendment Act.—By Lord ASHBURTON, several, from Holbeach, Liverpool, and other places, for a reduction of the postage duties.—By Viscount LORTON, from Ballycastle and other places in Ireland, by the Earl of CALEDON, from the county of Donegal, from the High Sheriff and Grand Jury of the county of Armagh, and from the county of Tyrone, by the Marquess of CLANRICARDE, from Dublin, and from the managers of several charitable institutions in Dublin, by the Earl of BELMORE, from the Grand Jury of Fermanagh, and by the Marquess of DOWNSHIRE, from parishes in Antrim, Down, and Armagh, against the Poor-Relief (Ireland) Bill; and by the Marquess of LANSDOWNE, from the inhabitants of Athlone, against certain provisions of the Bill, but praying for Poor-laws.—By the Duke of RICHMOND, from Swanage (Dorsetshire), for a reduction of postage.—By the Earl of MINTO, from the non-electors of Jedburgh, complaining of the Corn-laws.

POOR-LAWS IN YORKSHIRE.] The Earl of *Harewood*, according to notice, rose to present a petition from Otley, and other townships in Yorkshire, against a repeal of Gilbert's Act, under which the Carlton union is governed. The noble Earl stated, that he particularly wished to guard their Lordships from confounding the present petitioners with the class of persons who were opposing the working of the new Poor-laws throughout the country. They, however, had objected to the introduction of the new system into their districts, because it had been allowed by the Poor-law Commissioners themselves on their visit there, that there was no ground whatever of complaint in their management of the poor; and in what they had done in opposing the introduction of the new system, they had merely given an expression of their wishes and opinions in a matter in which they were entitled to have a voice. He thought the formation of larger unions, by adding together twenty or thirty parishes or townships already, was most injudicious. This system, if persisted in, must bring the whole law to a dead lock, it could not work on such a scale. They might administer what might be termed the deviations from the new law, that was the out-door relief, but the system itself, which was that (as we understood) of workhouse relief, could not be administered on this extensive arrangement.

Earl *Fitzwilliam* said, it was hardly necessary for the noble Earl opposite to take the trouble of separating the parties to the present petition from the general mass of opponents to the new Poor-law throughout the country; he was well convinced of the respectability of the petitioners, and of many other persons, who, in the West Riding of Yorkshire, had doubts as to the propriety of adopting the new Poor-law in these parts. But, in his opinion, it would be a curious anomaly in legislation, if they were to allow Gilbert's Act unions to remain in various parts of the country as positive obstructions to the general administration of the new and improved law. He was not surprised, that the guardians of these unions should petition against being superseded, being conscious as they doubtless were, of having generally acquitted themselves of their duties with honesty and integrity; but, at the same time, if the noble Earl had taken the trouble to look into the local positions of these townships, he would have found that they lay in a long and unconnected string, in such a way that it would be utterly impossible to form them into one compact union, whilst severally they could with much more advantage, be incorporated with other adjacent unions. There were the townships of Armly and Wortly, for instance, which were both situated within the borough of Leeds, thereby preventing the Commissioners from forming that great borough into one compact union. He feared also, that upon inquiry it would be found, that very great abuses had crept into some of those unions, and that their houses were places in which jobs to the greatest extent had been carried on. The noble Earl seemed to speak of the workhouse as the worst and principal feature of the new Poor-law, in which, however, he (Earl Fitzwilliam) thought the noble Earl looked upon the matter in a wrong light. The workhouse was doubtless an important implement in the hands of the Commissioners—a test to try whether a party was worthy of relief or not; but it was not correct to look upon it as the only means of the administration of relief. The great principle of the new Poor-law was the substituting of the board of guardians for the magistrates at petty sessions, an obvious advantage, as in many cases, the latter could be supposed to have no local knowledge of the matters brought before them.

The Earl of *Radnor* said, that although he had no local knowledge of the matter of the present petition, he could not resist saying a few words to their Lordships on the subject of it. It had been a statement very commonly advanced, that the abuses of the old Poor-law were not to be met with in the northern districts of England, and, therefore, that the appearance of the Poor-law Commissioners in those districts was little less than an uncalled for intrusion. Now, all this was quite a mistake. With respect to the unions under Gilbert's Act, the real fact was, that in those very unions, the provisions of Gilbert's Act had not been adhered to. There was one clause for instance, the 32nd, which had been constantly neglected, and which, indeed, he would defy any board of guardians to satisfactorily obey, for this clause required of them, that they should support the poor who were in want, set them to work, take the receipt, and make up the balance of what might be required for their support; and so forth. In another point, also, many of those unions were inconsistent with the measure under which they were established. The act limited them to ten miles in extent; whereas he could show by the map, that many of those unions extended to twelve and fourteen miles. So far from wishing for the continuance of those Gilbert unions, he wished a bill could be introduced to put an end to them.

The Earl of *Harewood* said, that what the noble Earl called abuse, he did not consider as such. He did not consider it an abuse of the law to give temporary outdoor relief in cases of temporary distress.

The Earl of *Malmesbury* was surprised to hear, that there were as great abuses in the north as in the south. He was not one of those who wished to repeal the present law, but he thought, that certain alterations were desirable. He thought, in the first place, that the local powers, the guardians, ought to have a larger discretionary power, and the Commissioners less. One of the great principles of the constitution was, that those who raised the taxes, should have the power of applying them to the object for which they were raised. He must also say, that there ought to be a uniformity of action under the law, and that a different rule ought not to be applied to the manufacturing classes of Yorkshire, and the agricultural labourers of Hampshire.

The Duke of *Richmond* said, that the noble Earl was anxious for uniformity, but surely the giving a discretionary power to the boards of guardians, was not the way to obtain that uniformity. The result of giving such a power, would be, that in union A there would be one set of laws, and in union B, a different set. Such a power would also, he thought, give rise to great suspicion on the part of the labourers, on the score of favouritism, and would, in the end, lead to universal dissatisfaction.

The petition laid on the table.

HOUSE OF COMMONS,

Thursday, May 10, 1838.

MINUTES.] Petitions presented. By Sir E. WILMOT, from various places in England and Ireland, by Sir ROBERT PEEL, from Tynemouth, by Mr. AGLIONBY, from a place in Cumberland, by Mr. DENNISTOUN, two, from the city of Glasgow, by Mr. O'CONNELL, from Dublin, and by other MEMBERS, from various places, for the immediate abolition of Negro Slavery.—By Sir J. Y. BULLER, from a place in Devon, by Sir ROBERT PEEL, from York, by Lord G. BENTINCK, from Lyme, by Colonel SIBTHORP, from Lincoln, and by Mr. F. KELLY, from Ipswich, that Church property might be devoted to ecclesiastical purposes.—By General O'NEIL, from the county of Antrim, by Mr. Sergeant JACKSON, several, from the diocese of Ross, and by Mr. E. TENNENT, from the county of Antrim, against the system of National Education.—By Mr. ORMSBY GORE, from land-owners and others connected with the principality of Wales, complaining of great exactions and hardships.—By Mr. JAMES GRATTAN, from the county of Wicklow, for the immediate Abolition of Tithes.—By Sir E. KNATCHBULL, from Canterbury Union, that poor-rates should be paid by the landholders.—By Viscount SANDON, from Lichfield, to make provision for the maintenance of the clergy of Upper Canada; and from the pawnbrokers of Liverpool, against the National Pledge Association.—By Mr. P. THOMSON, from Cambridge University, in favour of the International Copyright Act.—By Sir R. PEEL, from Calne, for the reduction of postage.—By Viscount MAIDSTONE, from a Protestant Association, against the grant to Maynooth.—And by Sir G. STRICKLAND, from York, against endowments for the Scotch Church.

CONTROVERTED ELECTIONS.] Sir *R.*

Peel rose for the purpose of fulfilling an assurance he had given to the House some weeks before, to move for leave to bring in a bill to amend the existing jurisdiction of Parliament in respect to Controverted Elections. He begged to be understood, as not proceeding upon the present occasion on the assumption that the House had resolved to maintain within its own power the right of trying election petitions, but rather on the assumption that complaints having been made of the present system as being defective and inadequate to the attainment of justice, it had determined to listen to and consider any proposal which should be made having for its object the perfecting of that existing system, by the removal of its alleged defects. He thought the general wish would be, that every experiment to perfect the present system should be tried and proved unsatisfactory before they consented to part with the power which for centuries past they had enjoyed—that of deciding who were to be the Members of that House. He must confess, that in approaching this subject, which he did with much diffidence, he was, for general reasons, very adverse to any such change as that suggested, without its absolute necessity being first fully and entirely established. In the first place he thought such a course objectionable on the general ground, that it was inexpedient to alter what for many years had been the law, and in the next place he felt the difficulty of devising any tribunal to replace the existing one, which, acting without the control of that House, was likely to be a satisfactory substitute for it. He confessed he could not divine the nature of the new tribunal. Should it be a single judge deciding without the intervention of a jury, or should it be a judge acting in concert with a jury? Should the tribunal be independent of that House or not? In his opinion, to make a judge independent, and to give him a summary jurisdiction in cases of elections, without any power of appeal, would be to constitute another estate within the country to exercise powers of the utmost importance. It would be giving to a single individual a most enormous degree of power, and one which in all probability would be attended with highly injurious consequences. He was now supposing the case of an independent judge; but supposing it was decided to give the trial of Controverted Elections to a judge who should not be independent, on whom or on what body should he be made dependent? If he were to be made dependent on the judgment of the House of Commons, there would arise all the objections which now applied to the existing Committees. It was indeed manifest, that if the Members of the House of Commons were to be declared incompetent to act as a jury for the trial of election petitions, they must be quite as much so to discharge the duties of a court of appeal from the decisions of any tribunal which might be appealed from. But, then, supposing there was to be the intervention of a jury, how would that alter the case? How could they exempt that jury from that very political influence and party views which they alleged rendered Members of the House of Commons incompetent to decide in election petition cases? Would summoning the jury from another and distant part of the kingdom from that in which the election disputes arose meet the difficulty? That might be a very good plan to obviate the influence of local prejudices, but not the influence of strong party feeling. Suppose they were to bring a jury from Devonshire to try a Controverted Election in Kent, was it not just as likely that they would be as imbued with political and party bias as the tribunals which were now complained of? He confessed he should feel the greatest objection to see the House of Commons declaring itself disqualified from exercising that power which every other popular assembly in every free state in the world, following their example, did exercise, and exercised without complaint. To part with power was not in itself free from objection; but for that House to part with power on the simple allegation of unfitness, from either incapacity or the want of impartiality or integrity to discharge the ordinary duties of a tribunal, tended so materially to diminish their moral influence, that in their case it would be doubly objectionable, unless on a clear case of necessity being established, to abandon any of their existing privileges. He did not mean to say, that if it were proved justice could not be done short of such a measure, he should object to it; but until convinced that such was the fact, until convinced that while the power of trying controverted elections remained with the House, it was impossible that the ends of justice could be accomplished, he maintained it was their bounden duty to stand by their privileges, and while taking every means to establish a proper tribunal within their own control, to declare their determination to hold and maintain that control in the same manner that for years past they had exercised it. The power of the House of Commons, like most others, was founded on popular opinion, and if they were to present themselves to the public with a declaration that they had become unfitted for the exercise of the power which for years past had been exercised by Parliament, it was obvious that public opinion must, more or less, abandon them, and with it take no small portion of the influence they at present enjoyed through its means. It had been argued by the hon. and learned Member for Dublin, and others who had adopted his views, that the complaint of the public being levelled generally against tribunals consisting of Members of Parliament, it was not probable that any tribunal composed of the same materials as the present, although under a different system, could be satisfactory, But he was not prepared, even founding this conclusion upon general reasons, to admit that was a necessary conclusion. He could believe, that the same materials might be combined under a different form and in a different manner, so as to produce very different results. He could conceive some men who had once been partisans in particular questions, afterwards becoming impartial judges, if they were removed from that influence, which had biassed them. He could come to this conclusion from general reasoning, but, happily, he was not driven to general reasoning to refute the hon. and learned Member's argument, for the high and important authority of actual evidence, could be brought to prove the very conclusions which general reasoning so strongly sanctioned. There had been instances where complaints had not been found against the tribunal, but against the system under which justice was administered, and which complaints were afterwards removed when the same parties were chosen as judges under a different system. Let them look to the conduct of the House of Commons on the subject of election petitions previous to the passing of the Grenville Act. Nothing could have been more unjustifiable than their decisions in cases of controverted elections previous to that time; they frequently decided without hearing the evidence, and frequently on private evidence which had been canvassed outside the House; and frequently, and most notoriously, from party feelings and opinions. A change had been made in the constitution of the tribunal, but the materials remained the same. Members of Parliament were still called to decide on election petitions, but in a different form, and all complaints immediately ceased. For several years after the House had formed a different tribunal, complete satisfaction was given. But first, perhaps, the House would permit him to read the character given by the author of this act himself—he meant Mr. Grenville—of the administration of justice on these questions previous to the passing of that measure. When Mr. Grenville's Act was passed, in the year 1770, that gentleman thus stated the objections which existed to the administration of justice on controverted elections by the House of Commons as a body:—

> "How often, for instance, Sir, while the merits of a contested election have been trying within these walls, have the benches been almost empty during the whole examination; but the moment the question approached how have you seen the Members crowd eagerly to their seats, and then confidently pronounce upon a subject on which they have not heard a syllable, but in private from the parties themselves! This is not all, Sir; we have frequently seen trials of strength upon some previous question between the friends of the sitting Member and the friends of the petitioner."

At that time they had found the evils of a previous trial of strength and of party power before the cause to be determined really came on.

> "And we have also frequently," Mr. Grenville added "I blush while I declare it, seen justice sacrificed to numbers, and oppression exalted on the shoulders of a giddy majority into the sacred chair of legislation. This is a grievance of an alarming magnitude, and I propose to offer a means of redress on a future day to the consideration of this House."

Nothing could be more marked than the complaint thus made against the decisions of the House of Commons previously to the Grenville Act, and in the discussions which followed Mr. Grenville's introduction of the measure. Language equally strong was lavishly applied in condemnation of the then tribunals. The

House of Commons adopted Mr. Grenville's proposition, in the first instance, as an experiment; but after the lapse of about four years so satisfactorily had it worked, that it was proposed to adopt it as a permanent measure. Lord North and Mr. Fox opposed the proposition, but on a division the motion for rendering it a permanent measure was carried by a large majority, one of its principle supporters being Mr. Dunning, no mean authority at that period on matters connected with the law of Parliament. Dr. Johnson, too, who had spoken of the Grenville Act, said that—

> "The claim of a canditate and the right of electors are said scarcely to have been, even in appearance, referred to conscience; but to have been decided by party, by passion, by prejudice, or by frolic. Thus the nation was insulted with a mock election, and the Parliament was filled with spurious representatives; one of the most important claims, that of a right to sit in the supreme council of the kingdom, was debated in jest, and no man could be confident of success from the justice of his cause. A disputed election is now tried with the same scrupulousness and solemnity as any other title."

But Dr. Johnson wrote this only about four or five years after the experiment had been made. Let the House, however, descend a little lower, and see what had been the success of the Bill at the end of a period of twenty years: and in the first place it would be proper, in order to make the authority conclusive, to take the time when party feeling ran the highest, and when political bias decided the questions before Parliament. The period he would select was the year 1784, immediately after the great struggle on the India Bill, between Mr. Fox and Mr. Pitt. Mr. Fox at that time presented a petition to the House of Commons, complaining of the return made by the high-bailiff of Westminster, and praying that the validity of that return might be tried by a Committee of the House of Commons, selected under the provisions of the Grenville Act. Upon that occasion Mr. Fox bore testimony to the good working of the Act in the following terms. He said:—

> "That Bill, Sir, originated in a belief, that this House, in the aggregate, was an unfit tribunal to decide upon contested elections. It viewed this House, as every popular assembly should be viewed, as a mass of men capable of political dislike and personal aversion; capable of too much attachment, and too much animosity; capable of being biassed by weak and by wicked motives; liable to be governed by Ministerial influences, by caprice, and by corruption. Mr. Grenville's Bill viewed this House as endowed with these capacities, and judging it, therefore, incapable of determining upon controverted elections with impartiality, with justice, and with equity, it deprived it of the means of mischief, and formed a judicature as complete and ample, perhaps, as human skill can constitute."

Such was the doctrine of Mr. Fox, who at first opposed the Grenville Act, as to its operation twenty years after it had been paseed. [An *hon. Member*: not twenty, only ten.] Well, it might be only ten, or say, fourteen years afterwards; but, this was the opinion of Mr. Fox when political feeling ran the highest, that he should be tried by an impartial tribunal in an election committee. But, he would revert to more recent times, and would adduce, for the purpose of fortif ing his argument, that the same materials might be combined in a different form so as to produce a different result, the changes that had taken place in transacting private business in that House when the materials had remained the same. By the recommendation of the Speaker a great revolution had been effected in the system of Committees on private bills which had produced perfect satisfaction, and was free from complaint. Until recently these Committees were an useless ceremony, and worse than useless, for great injustice was done by the opportunity given for private canvass. The House of Commons, on the recommendation of the present Speaker, who had paid great attention to the subject, adopted a different system with respect to private bills. In pursuance of that system, a general Committee, consisting of forty-two Members, was appointed, to which Committee every petition for a private bill was referred, to examine whether or not the petitioners had complied with the standing orders of the House. They had the highest authority, that of the Speaker himself, as to the beneficial change which had been produced by this regulation. To prove this he would read a part of the examination of the right hon. Gentleman before the Committee on private bills.

> "Sir J. Graham.—Have you observed a satisfactory change in the mode in which the business is transacted by the Committee of forty-two on the petition for a bill, as contrasted with the former practice, when the

Members were taken from the adjacent counties?—There cannot be a question that the superiority is immense, and the satisfaction is in proportion. I made no secret that when that Committee was appointed I had my ears open, and should be ready to hear any complaint, but I never have heard the slightest question made as to the propriety of their proceedings, and never a word against the impartiality of their judgment.

"When the allegations in a petition for a bill were disputed heretofore, was not there a canvass notoriously carried on among the Members for the adjacent counties?—Certainly.

"Has that canvas, continued under the new system?—I believe it has entirely ceased; I believe it to be as completely successful as any experiment can possibly be.

"The great change was the introduction of the principle of selection in lieu of the chance which before belonged to the system?—Yes, and one great change was, that the Gentlemen who composed the Committee of forty-two felt that they were in a new situation, that they were to set an example of the course of conduct which was intended to be a precedent, as far as it could be, for the conduct of the House: that was the doctrine laid down at the time the Committee was appointed.

"Your expectations have been fully answered by the change?—Entirely.

"Chairman.—Do not you think they have, from the very principle of their appointment, a feeling that they have a trust reposed in them?—I have no doubt of that; I took the liberty of stating it in the strongest terms at the time of their appointment, and they entirely acquiesced in it. I endeavoured to show that no one ought to go upon that Committee who was not prepared to attend and perform the duty, and that no person ought to be upon it, who was not prepared to decide as judge or juryman."

Now he would ask the House whether this evidence on the part of the Speaker, as to the beneficial effect of the regulation introduced respecting private bills, did not afford strong ground for believing that by a change in the construction of the materials which existed in the House means might be devised, reposing on the integrity of hon. Members themselves, of avoiding the effect of party feeling, and of producing, with reference to election Committees, the same advantageous results which had been derived from the change which had taken place with reference to the Committees on private bills? It appeared to him that there were three great objections to the present mode of deciding election petitions. In the first place, a practice had grown up tending to do away with many of the advantages which might otherwise attend the appointment of an election Committee. He meant that the matter was frequently brought before the House in some preliminary debate, upon some trivial point, respecting the recognizances, for instance; and the example was set to the Committee by the House of Commons itself, of deciding the question upon party grounds. This, Mr. Grenville had pointed out as important to avoid, and had said, that it would lead to frequent party discussions between the friends of the petitioner and the friends of the sitting Member. He thought it would be a great advantage if the House would abstain from these previous discussions; and that, from first to last, election petitions were left to the consideration of the Committees to which they were referred. The Committee which had been appointed to consider whether an admendment of the law in this respect could not be made, had traced the subject from the time when the recognizances were entered into on an election petition to the close, where a taxation of costs was made; and in its report they said that they had examined agents and others who possessed information on the subject, and that they thought nothing more easy than to adopt some method which should render it unnecessary for the House to interfere in these preliminary matters. The question of the recognizances was one of the simplest things in the world, the solvency of the party being the only point to be ascertained. At present this duty devolved on one of the clerks of the House of Commons and a Master in Chancery, but it frequently happened that the Master in Chancery had other duties to attend to elsewhere, which he considered paramount to those of the House of Commons, and that he could only allot a certain time, and at a certain hour of the day, when it would perhaps be most inconvenient for the other officers to attend. It might perhaps be immediately before four o'clock, and yet often in the same day there were fourteen or fifteen cases in which recognizances were to be considered, and then the time was insufficient. Would it not be better to appoint one individual who should act under the authority of the Speaker on whom these duties should devolve, who would consult the convenience of all parties, and who would have ample time for the consideration of these questions? The noble Lord opposite (Lord J. Russell) had suggested the other day, in order to simplify the matter, as the testimony required was not as to character, but as to solvency, that the matter would be simplified by allowing the surety the option of entering into the recognizances, or of depositing the money. The petitioner was now obliged to enter into a recognizance of 1,000*l.* for himself, and to find two sureties in 500*l.* each, or four of 250*l.*; but if any person preferred, instead of finding sureties to this amount, to deposit the sum in the hands of the Speaker, it appeared to him that by this plan every obstruction would be removed, and that the guarantee now requisite for the costs would be just as well secured. But to make it equal to all parties, it was said the principle must be extended further. This plan, might do for those petitioners who were rich, but would not do for such as were poor. He did not, however, see that objection; for rich men could always get sureties easier than poor men. Suppose a poor man found three sureties for 250*l.* each, and he himself lodged the remaining 250*l.*, he could see no reason why it should not be permitted, as all they desired was, that a certain sum should be forthcoming, and every object which Parliament wished to accomplish would be fully secured. It would then be easy to make an inquiry into the sufficiency of a surety without any appeal to the House of Commons. To guard against a defeat of justice they might give to the parties authority to enter into the recognizances within a certain discretionary period, but, at the same time, the more strict they were in their rules and the more determined to enforce them, the more effectually would they succeed in their object, and the better would the business be done. But if they were lax in their requisition, if they received applications and decided without proper evidence on the representations of solicitors and of the parties interested, the more lax would be the conduct of those to whom they delegated authority. The great defect of this part of the system was not incidental to the Grenville Act; but it was the entertaining by the House, of preliminary questions; and he would propose that the House should give up all interference with such questions. Another great objection, as it appeared to him, was the entire confidence evinced by the House in the selection of Committees by chance. It was sometimes said, that on the whole it turned out well; that if there was one Committee in favour of the Ministry, the next was in favour of the opposition, and thus they neutralized each other, and the balance was even; but, for his part, he could not conceive a greater libel on the administration of justice than such an assertion. It was no satisfaction to the country or to the parties more immediately interested to know, that, upon the whole, the Committees, as regarded their composition, were evenly balanced, and that the wrong done by one, was adjusted by the wrong done by another. Such a system was not creditable to the House, and such statements must tend to lower its decisions in the eyes of the public. It was their bounden duty to do justice in every case, and to form a tribunal so pure and honourable as to inspire the firmest confidence in its decisions, and calculated to do justice to all parties, of whatsoever party in politics they might be. That object could not be attained by a system where chance decided the composition of the tribunal. One of the greatest objections to the present system by which election Committees were appointed, was the right to challenge, which was invidious, and tended to wound the feelings of honourable men. It was a bad commencement of a judicial investigation. Another objection to the challenge was, that by its operation all the professional experience, and all the Parliamentary experience of the House, was excluded from election committees. He did not mean to say, that all professional men, and all those who had a long experience of Parliamentary business, were absolutely and necessarily excluded, but, undoubtedly, the tendency of the system, from whatever cause, was to exclude from Election Committees those who were best qualified to perform the duties which devolved on them. Such certainly was the tendency of the present system. He should like to take the present Session and examine how many professional men, and men of long Parliamentary experience, had been appointed to serve on Election Committees, and to compare their number with that of non-professional members who had been chosen for the trial of disputed elections. He thought, that the House would be surprised at the smallness of the number of professional men, and of those who were otherwise the best qualified for the discharge of the duties imposed upon the Members of those tribunals which had been chose; and he was confident that they would be much struck with the number of Members selected, who had, at the last election, been returned to that House for the first time. The number of Members chosen by the ballot, under the present system, was thirty-three; and it was not unfrequently the case, when the reduced lists were given in, that not less than seven out of the eleven of those who were to try the merits of disputed elections were young Members, who, before the present Session, had never been in Parliament. He had the fullest confidence that those young Members would discharge the duties devolved upon them with equal integrity and honour as the oldest Members of the House; but it certainly was rather hard to impose upon them the performance of a difficult and invidious duty, and, at the same time, deprive them of the assistance and co-operation of professional men, and men of long Parliamentary experience. Unjust as such conduct was, yet somehow or other the tendency of the present system was, to produce such results, to exclude experience and professional knowledge, and to place on the tribunals for the trial of controverted elections those who, from want of experience, were much less qualified to decide on difficult and complicated questions of election law. Such were some of the evils resulting from the system of chance. Another point to which he would advert, related to the oaths which at present were imposed on Members of Election Committees. He was perfectly persuaded that there was no Member of that House who would regard lightly the oaths which he had sworn, yet, from the manner in which those oaths were taken, and when Members felt that they were chosen by chance, there might be a disposition to take a different view of questions from that which they would take if they were openly appointed, and the fullest confidence reposed in their integrity and honour. To guard against that danger and to remedy those evils to which he had alluded, he proposed to adopt a diametrically opposite principle from that which was at present acted upon. In the first place, he proposed that all the proceedings in regard to recognizances should be intrusted to the hands of a single officer, and invited the House to part with so much of its jurisdiction as related to recognizances. He had on a former occasion drawn the attention of the House to the present mode of proceeding in regard to recognizances, and a Committee had in consequence been appointed; and when the report of that Committee was laid upon the table of the House, it would be found, and on the most satisfactory evidence, that the recommendations of that report were in perfect accordance with the proposal he had made. He was also of opinion, that the same officer should be intrusted with the taxation of costs. The duties of such an officer would be simple and easily performed, whereas, under the present system, there was much complaint and dissatisfaction; but if the whole proceedings in regard to costs were intrusted to one responsible individual, all ground for those complaints would be removed, and much delay and expense would be saved. Under the present system, as he had stated, the House lost, in a great measure, the professional experience of those hon. Gentlemen who were Members of that House, and who were also members of the legal profession. There was great unwillingness on the part of those hon. and learned Gentlemen to serve on election committees. No doubt they had other duties to discharge, yet still he thought the House had a fair claim upon their services. The fact, however, was, that they were reluctant to serve on election committees, and availed themselves of the right of challenge which the present system allowed, or by pairing off eluded being chosen. Those committees were in consequence generally deprived of those eminent counsel which the House contained. Now, this was not altogether fair and he thought that when those hon. and learned Gentlemen came into Parliament the House and the public had a right, to call upon them to bear an equal share of the burdens. Instead, therefore, of continuing a system that excluded those learned Gentlemen from serving on election tribunals, he thought it was their imperative duty to adopt such a plan as would secure for the trial of controverted elections a fair proportion of the legal knowledge of the House. He would next proceed to that part of his plan by which he hoped to obviate these evils. In the first place, then, he proposed to substitute discretion and confidence in the place of chance. His bill was prepared and printed, and he should not, therefore, go into the whole of its details at that time, as the House would, at no distant period, have an opportunity of fully discussing every portion of his measure. The bill would be laid upon the table as soon as possible, and he only waited for the report of the Committee to which he had previously alluded to place it before the House. At present he asked for no division, nor for any pledge, and he would not provoke a discussion at that time, but simply give an outline of the plan he proposed for their adoption. He might mention, also, that he had adopted the suggestion of the noble Lord opposite, and that the measure he intended to bring forward was only of a temporary nature, and it would be so framed, that should any well-founded complaint be made against its operation, the consideration of the whole question should again necessarily come before Parliament. The provisions of the bill were simply these:—In the first place, he proposed that the Speaker should be empowered to appoint a certain limited number of Members of the House for the management of all election proceedings, the number so elected to form a general committee on election petitions. A question might arise in regard to this part of his plan—namely, whether they ought to make the power delegated to the Speaker absolute, and the list of Members selected by him not liable to be questioned by the House. If the power of the Speaker in the selection of the Members of the general Committee was not made absolute, then they might require that a list of the Members chosen should be laid on the table of the House; but in that case he proposed that if no objection should be made to the list within a limited time, it should, at the termination of such a period as might be determined on, be held to be valid. Perhaps the latter plan would be the one most approved of, and as he was unwilling that the House should part unnecessarily with any portion of its jurisdiction, he thought it would be most advisable to require that a list of the Members chosen by the Speaker should be laid on the table of the House. He presumed that that committee would be chosen with perfect fairness and impartiality; and upon the general committee so chosen, he proposed that they should devolve the appointment of committees for the trial of all controverted elections. He also proposed—and he spoke now of the general committee—that all the proceedings of that committee should be recorded, and that a short period should, at regular periods, be communicated to the House, in order that they might have the check of publicity, a check of all others the most valuable as regarded the actions of public men. He ought previously to have stated, that he proposed that at the commencement of every Session the House should be called over for the purpose of ascertaining who were and who were not liable to serve on election committees. He would exclude no one, whatever might be his situation. He did not propose to exclude the Ministers of the Crown, as he thought such a proceeding would be unfair and unjust. If, however, their public duties prevented them from acting without inconvenience to the service of the country, then he proposed that they should be excused. He also proposed that those hon. Members who were advanced beyond sixty years of age should not be required to serve. There were other cases in which temporary causes of disqualification would operate, such as being petitioned against, or having voted at an election. Of course, he did not propose to enforce the services of those whose affairs absolutely required their absence from the House. Such persons, on satisfactory reasons being stated, he proposed to exempt from serving on election committees. When once the general committee had been appointed, he proposed to invest them with the most ample powers to call on Members of the House to serve on the committees for the trial of disputed elections, and he proposed that those committees to be nominated by the general committee should be composed of seven Members. He further proposed, that the election should be made by the general committee at the shortest possible period before the trial of any disputed election was to take place. By such means they would get rid of party excitement, and the Members who were to try the merits of any election would come to the discharge of their duties with less chance of their minds being biassed towards either party. He discountenanced all strikes, but he reserved the right of challenge in certain cases. For instance, if a Member was petitioned against, there would be a right to challenge, and the House would have the power to prevent him from sitting on an election committee. There were also two other specific cases, in regard to which the right of challenge would exist. The first was the case of any hon. Member having voted at an election. If any hon. Member voted at an election, and was nominated a member of any election committee, then the right of challenge would remain in force. The other case was that of relationship within a certain degree. He proposed, however, entirely to abolish the strike. In the next place, he proposed to give publicity as far as possible to the proceedings of the Committees, and in order to accomplish that object he proposed, that the whole of the proceedings should be taken down in writing, and that the names of the Members, as often as the committee divided, should be placed upon record, so as to show how each individual voted. He proposed, also, that the whole proceedings of the committees should be laid upon the table of the House. He was aware, that those proceedings often extended to an inconvenient length, and that it might be impossible to lay the whole before the public. But there could be no difficulty in stating fully every question on which a vote might be taken, and he thought it essential, that those questions, and the names of the Members of the committee voting in every division, should be laid upon the table of the House. Such was an outline of the plan he proposed for their adoption; and having explained the general objects of the measure, he thought it would be better not to allow himself to be betrayed at that time into a discussion of its details. A more convenient period would offer for that purpose, when hon. Members would be more prepared for entering upon the consideration of the details. There was one point to which he had not yet alluded. An assessor to election committees had been proposed, but he felt so confident, that there were materials for the proper and equitable settlement of disputed elections within the House, that he felt the greatest reluctance to the appointment of an assessor; and the appointment of assessors, therefore, was no part of his plan. He had now stated, the grounds of his objections to the present system, and the remedy he proposed for the evils which existed in the present election tribunals, and whether his plan might or might not receive the sanction of the House was to him a matter of comparative indifference. He was willing to give up his own measure if a better should be brought forward. This was not a party question, and he was sure, that every Member of the House was equally anxious with himself to remove those evils in their election tribunals which had been so much complained of. If the House would divest itself of its power to the extent he had proposed—if they would put an end to the operation of chance, and trust to discretion and confidence instead—then, indeed, they would invest the members of election committees with a judicial character, and they would find, that they would bring to the discharge of their duties impartiality and integrity. If they adopted such a plan, and succeeded in their designs, they would rescue the House of Commons from the degrading stain which would be cast upon it, if they were to tell to England and to the world, that there was not within its walls materials wherewith to compose a fair, an honest, and impartial tribunal. He believed, that there was abundant materials for such tribunals within those walls, and if they adopted such a plan as he had recommended, they would elevate the character of Members, and increase the confidence of the country in their decisions. If they adopted such a plan, he had no doubt that the Members chosen would divest themselves of party feelings, and when they found that implicit confidence was placed in their integrity and honour, that they would make the discharge of their judicial functions superior to every other consideration. The right hon. Baronet, amidst loud cheers, concluded by moving for leave to bring in a Bill to amend the laws relating to the trial of Controverted Elections.

Mr. *O'Connell* did not mean to oppose the introduction of the bill of the right hon. Baronet, although he much doubted whether its provisions would reach the existing evils. The right hon. Baronet had described the conduct of election committees previous to the passing of the Grenville Act; but he would ask, whether every part of that description was not equally applicable to the existing state of things? Nothing could be more unsatisfactory than the decisions of election committees at the present day. The right hon. Baronet proposed to form his tribunal for the trial of election disputes out of the same materials as formerly, but he could not consent to the proposition, that a mere change in the mode of election committees would lead to all the beneficial results which the right hon. Baronet anticipated, or that such a change would prove a remedy for the evils of the present system. Since the passing of the Grenville Act, the decisions of committees had proved as unsatisfactory as they were before that measure became law. If he took up a record of those decisions, he would find more than 150 of them contradictory of each other, and he feared, that another change in the mode of appointing election committees, if they were still to be formed of the same materials, would not give a much more satisfactory result. The same party feelings would still continue to operate, and with parties so equally balanced as they were in that House, it was impossible to suppose, that party feelings would not continue to operate strongly. Formerly, there was a difficulty in obtaining the attendance of Members in such numbers as to enable them to proceed to a ballot, but that was not the case now. They now came down in crowds, and he must do hon. Members opposite the justice to say, that he never saw them attend the House in such numbers before. The right hon. Baronet proposed, that the Speaker should have the power of nominating a general committee; but the Speaker would necessarily be attached to one party or the other; and he had seen a Speaker in that House in whom he would not have reposed confidence in the selection of that committee. "Why," said the hon. and learned Gentleman, "I would not, nor would you, if he had not been of your party." He was old enough, also, to have seen evils arising from the affectation of too much impartiality; so that if they had one class of Speakers, the general election committee-list would be formed upon party principles; and in the other case, from an affectation of too much impartiality in the chair, there would result an evil of not less magnitude. But suppose they were disposed to give us a fair committee of six, having three and three of each party, that would be something like the kind of check which existed between the two Houses of Parliament. They would go on opposing and controlling each other, until nothing at all would be done. But it might happen, that each trio, though of different politics, might be against the smallest party in the House—the Radicals. Even if there were seven, it would be vain to expect, that men would not evince some particular feeling of their own. As long, then, as they had these adverse interests pressing upon them, they ought not to have an interest in the choice of the tribunal to decide the questions at issue. It would be infinitely better for them to send the cases to a jury, for though a jury might be composed of men of different parties, and would rarely consist of persons all of one political creed, they would be responsible to public opinion, and would be necessarily inclined to do justice and secure public approbation, rather than degrade themselves by consulting the gratification of their own party feelings only. And what an advantage would it be, to diminish the multiplicity of questions which came before the House, to simplify the franchise, to make the register final, and to do as much as possible to settle the cases before the legal tribunals, prior to their becoming mere struggles of partisanship. What could be more frightful than the opening of the register in Ireland, and what could be more easy than to close it? Above all, they should give vote by ballot. At present they were beginning at the wrong end. Let them have a superintending committee of five, if they pleased, to superintend the legal trial, and to report. He would select those five in such a way as to remove all cause for distrust. He should consider it wrong to give them any authority beyond that of mere reporters; he would give them no vote, but power merely to report a selection of the issues tried, aided by counsel, and, if necessary, a competent and highly-paid assessor. Therefore they would not affect the ultimate decision except in the selection of the issues; they would only have the jurisdiction of reporting any violation of the privileges of the House. It was impossible that the present system could continue; enough had been said that night to show that it could not, and he was sure it ought not. They ought to clear themselves from all suspicion and mistrust, and set themselves right with the public. He did not believe, that the plan proposed by the right hon. Baronet would be adequate to that object, but he must say, that the House was much indebted to the right hon. Gentleman for the time and attention he had bestowed on the subject, and the moderate tone in which he had submitted it to the consideration of the House.

The *Attorney-General* was, himself favourable to the proposition of the right hon. Baronet, especially as he was of opinion that the jurisdiction, with respect to election committees, ought to be retained within the walls of that House. He would have the greatest objection, to fix the labours of election committees, on the judges of the land, although he had the greatest confidence in their integrity and impartiality. Why should not that House retain its jurisdiction as well as the other House, which, in matters of appeals from the courts of law, proved itself quite efficient? The questions of this sort which came before the House of Lords were, as they must all admit, considered in the most pure and impartial manner. The House of Lords, in their decisions consulted both the law and the justice of the cases that came before them, and should they—should the House of Commons—show that they were incapable of following the example, which the other branch of the Legislature had set them; They would be showing this, if they parted from the jurisdiction, which they now possessed, in the trial of controverted elections, and therefore he could not approve of any proposition, which would lead to such an inference. Well, but what course ought they to pursue? He would admit, to his hon. and learned Friend the Member for Dublin, that the present system had fallen into great abuse, and that it was necessary, that some alteration should be made in it. There could be no denying, that the present system brought discredit on that House, and that public opinion was strongly adverse to it; but the question they had to determine was, how the evil could be most effectually remedied. His hon. Friend the Member for Liskeard, (Mr. C Buller) had brought in a bill for the improvement of the law relating to controverted elections, but, in his opinion, the plan of his hon Friend would be found in practice to be wholly ineffectual. That plan would leave more to chance than even the present system. The bill of his hon. Friend proposed the calling in of assessors, but he should like to know, where they were to get assessors, whose opinions would command the respect of committees; He did not believe such persons could be found. For himself, he must say, that he approved of the proposal of the right hon. Baronet, and for this reason more especially, that he believed if any person, should hereafter, be found to act in a manner, that could not be defended, he would not only lose his reputation, but his seat in that House. The right hon. Baronet, had said, that the professional men who were Members of that House, escaped from serving on election committees. It was quite true that he had, paired off with his hon. andlearned Friend, the Member for Huntingdon; but all he could say, was, that, if this experiment were tried, he would, at any pecuniary sacrifice to himself, be ready to attend on the new committees, and, as far as he was able, to perform the duty that might devolve upon him. He was persuaded that if the right hon. Baronet's plan were adopted, all party politics would be foregone, and that nothing would be thought of, but doing justice between the parties, without considering to which side of the House they belonged. The reasons which he had given would induce him to support the principle of the measure of the right hon. Gentleman, but in saying this he wished it to be understood that he in nowise pledged himself to its details. The experiment was one which he thought ought to be made, but, at the same time, he could not help suggesting that after all, the best way would be, at once to repeal the Grenville Act. He certainly felt surprised how such an Act could ever have passed the Legislature. According to that Act, if there were not a sufficient number of persons present for the purpose of a ballot, what was the consequence? Why, that they were prevented from proceeding with the public business, however pressing and important it might be. Under such circumstances, they were no more, than a mere statutable tribunal; but if, they were to repeal the Grenville Act altogether, and restore to the House the authority, that constitutionally belonged to it, the best results would ensue, and they might then go on, making one experiment after another, until they arrived at some plan, that would give general satisfaction. There were two things which were more particularly wanted. They wanted the power of administering oaths, and of awarding costs, and if they possessed these powers they would, as far as he could see, require nothing more. The course which he thought it most advisable for them to pursue, was to repeal the Grenville Act, and then let the right hon. Gentleman, propose his resolutions for a single session, and if they succeeded all well and good—they could be renewed; but if they did not, then they would be at liberty to try some new experiment, and so on until something like perfection was attained. Before he sat down he must say, that the House and the country ought to feel deeply indebted to the right hon. Baronet for the attention which he had bestowed upon the subject, and the able manner in which his plan had been framed.

Viscount *Mahon* said, that although the plan which he meant to propose, differed from both the plan of his right hon. Friend and, that of the hon. and learned Member for Dublin, still he must concur in the remarks which had fallen from the hon. and learned Attorney-General. He agreed that all parties, whether in or out of that House, must feel deeply obliged to the right hon. Baronet, for the pains which he had bestowed on this subject, and the total absence of anything like party feeling, which he evinced in bringing his proposition forward. This testimony from him (Viscount Mahon) was evidence of the latter fact.

Mr. *Fitzroy Kelly* said, that as the right hon. Baronet had deprecated discussion, it was not his intention to detain the House, more than a very few moments. The free and unalterable voice of public opinion called aloud for the total abolition of the present system of trying controverted election cases, and he trusted the day was not far distant when that House would sacrifice some portion of its power to its sense of justice, by concurring in a change which was so universally desired. If the House would not go the whole length the country required, it would be impossible to deny, that the bill proposed by the right hon. Baronet was calculated to improve the present system; but while he admitted this, he could not help expressing the concern and disappointment which he felt, that in the able and luminous address of the right hon. Gentleman he did not notice one alteration that seemed to be of indispensable advantage to the just constitution of any tribunal they might devise for the trial of controverted elections, and that was, the appointment of an assessor, or judge, not to deal with the merits, but merely to expound and explain the law whenever points of difficulty arose which involved professional knowledge. He felt assured from the long experience which he had had in courts of justice, that without such an officer any tribunal they might form would be imperfect, and, for his own part, he thought the persons selected to preside over election committees should be the most eminent persons the legal profession could afford. He regretted to find, that his hon. and learned Friend (the Attorney-General) was of a different opinion, notwithstanding he must know that generally speaking the Members of committees were ignorant of law, and that they were not unfrequently called on to decide questions of the utmost importance, and involving a degree of legal nicety and complexity with which even the most enlightened and learned of the judges would have some difficulty in dealing. Could, he asked, such a matter be safely and consistently referred to gentlemen who were, he might almost say, ignorant of the first principles of law? This, however, was not the proper time for entering into the discussion; but he threw out the suggestion in the hope that it would be considered when the noble Lord the Member for Hertford brought forward his motion as to the propriety of that House retaining the jurisdiction which at present belonged to it.

Mr. *Bernal* agreed, that the right hon. Baronet the Member for Tamworth deserved the thanks not only of that House but the country, for his endeavours to provide a cure for the radical defects and evils of the present system of conducting the business of election committees. He was surprised at the arguments which had been used in favour of the appointment of assessors, and the reference, in support of that proposition, which had been made to the manner in which the judicial functions of the House of Lords were performed. It was proposed that one learned counsel should preside at each of the new committees; but it seemed to have been wholly forgotten in drawing the analogy that the House of Lords were not assisted by one learned counsel but by the twelve judges. That fact he thought made all the difference, and was conclusive against the argument. No measure could be produced, he admitted, against which objection could not be made; but the question was, would the plan of the right hon. Baronet remedy the effects and get rid of the evils complained of? At best all that could be done was to speculate on contingencies and clauses, but his fear was, that the measure proposed by the right hon. Gentleman would not answer the purposes intended to be effected by it. He believed the evils to be of such a nature that there was no escaping from them, for they should recollect when they complained of the partiality of the present tribunals, that there never was a time in the history of Parliament when parties were so equally balanced as at the present moment. He remembered well enough how the nominee system worked, and he could give them some curious details if it were necessary on that subject. After all, he believed the evils to exist in the state of the law rather than of the tribunals before which the merits of election petitions were tried. The law was so framed that nothing was more easy than to find loop-holes to creep out at and enable committees to decide differently without imputation of any kind resting on them. If they wished to do anything effectual for checking bribery and corruption, he was persuaded that they must reform the statute-book and make their enactments so stringent and intelligible that they could neither be evaded nor misunderstood. The registry, too, must be made final, for otherwise no adadvantage would be gained, take what step they might to correct abuse. He repeated his unfortunate conviction that they would never be able to satisfy either that House or the public so long as they suffered the decision in cases of controverted elections to remain in the hands of those who must fairly be regarded as interested parties.

Colonel *Davies* regretted, that the right hon. Baronet had not been able to bring forward a more satisfactory measure. He could not give it his approval. With respect to the general Committee of seven which the right hon. Baronet proposed, by whom were they to be appointed? Why, by the Speaker. Now, could it be denied that the Speaker was liable to be influenced by party bias like all other men, and that his exercise of his power might be open to the imputation of partisanship? As to placing the whole matter in the hands of the judges, that would in his opinion be an equally fatal course to pursue, but, as he had no wish to go into the discussions he would reserve what he had got to say for some future occasion.

Mr. *Shaw Lefevre* expressed his full and entire concurrence in the principle of the measure proposed by the right hon. Baronet the Member for Tamworth. That principle has worked well in reference to the sub-committees on standing orders, and he was disposed to continue to intrust to gentlemen of honour and integrity the adjudication upon election petitions, for he could not agree with the hon. and learned Member for Dublin, that because the materials of the committees were to be the same, the results of their decisions would continue to be dissatisfactory to the country. But it should not be forgotten that at present the Members drawn on the ballot, who, from their experience and knowledge of the law were best qualified to act, were invariably struck off, and none but the younger and most inexperienced Members were left on the reduced list. His opinion was, that if this plan was followed up, and confidence was continued to be reposed in the committees appointed under the new system, it must succeed.

The *Chancellor of the Exchequer* said, that the right hon. Gentleman had one consolation in having introduced this bill, that whilst most persons admitted the difficulty of the subject, there was no difference of opinion upon the material point, namely, that his plan was a very great and essential improvement on the existing state of the law. The various faults which had been found with the plan proposed by the right hon. Gentleman, were not as comparing it with the present state of the law, but with other plans founded upon other principles, and which had only been suggested in abstract terms, giving them, therefore, a great comparative advantage over a plan of which not only the principle but the details were before them. He, however, thought that the plan of the right hon. Gentleman was not only good as compared with the existing system, but was good as taken upon its own distinctive merits. There were some points, notwithstanding, on which he should wish to reserve his opinion. One of them was as to the appointment of an assessor or judge. Not referring to present times, but referring to the past history of this country, he thought the preservation of the principle which recognized the exclusive jurisdiction of the House of Commons over the elections of its own members, was essential to the preservation of the liberties of the people of England. He could not understand the principle which would transfer to any body of men independent of that House the power of deciding upon the elections of Members of Parliament. The jurisdiction which the House now exercised, could not, in his opinion, be so transferred without endangering the highest constitutional principles of this country, and hazarding the rooting up of the elective and representative system itself. He should look upon any proposition, therefore, of that description with the greatest possible fear and alarm. At the same time, there was a wide difference between such a measure, and the appointment of an assessor. He believed, that the plan of the right hon. Gentleman would get out of the same materials a much better and higher tribunal; but were they quite sure, that the general committee would be at all times able to secure in every one of the sub-committees which it was proposed the general committee should appoint at least one man, who would act with a zeal at once impartial and enlightened, and who would aid the committee in their deliberations, not on the merits of the case, but upon those technical questions upon which every gentleman now felt a miserable deficiency existing in the present tribunals? One word with respect to the argument of his hon. Friend, who seemed to think there was an inconsistency in the right hon. Gentleman's argument, in reference to the obligation of an oath. The right hon. Gentleman said, that when a committee was appointed as the present were, the obligation of an oath was not so strong as it ought to be; therefore, asked his hon. Friend, if the proposed tribunal was to be composed of the same materials, how would the obligation of an oath become at all strengthened? Now, the answer he would give to his hon. Friend was this: the mode of constituting the committee, made all the difference between the obligation of the oath itself, notwithstanding the materials of that committee should be the same. One word as to an assessor. He looked upon him to be the successor of the nominee who was appointed under the Grenville Act. Until a very late period, the decisions of election committees were regarded with more respect, both by the House and the public than at present. What circumstance had tended to produce the change? He could not help thinking, that a greater mistake was never made, than the alteration of the law which excluded nominees from these committees. The nominees were men on whose capacities, intelligence, worth, and character, the parties concerned, could rely. By doing away with nominees, questions were left to the determination of eleven generally, of the most inexperienced persons in the House, deliberating in the absence of the public, and exposed to the arguments of able counsel, without any person whose especial duty it was, to make them well informed with respect both to the facts and the law of the case before them. The object which all desired to effect was, to get in some way or other within the committee, a person of intelligence, legal information, and judicial power. He would not give to such a man anything like political power in the committee; but they must, whatever tribunal was appointed, either revert to the system of nominees, or else provide a better substitute in the character of an assessor, to be charged with this important duty. He could not sit down without expressing his sense of the obligation which the House and the country must feel towards the right hon. Gentleman for the pains which he had taken upon this subject; and his hope was, that gentlemen, in discussing this bill in its future progress, would apply their minds singly and collectively to the improvement of its details—taking its principle as the basis of any measure they might ultimately adopt, in order to make it as satisfactory as possible to the public, and as creditable to the right hon. Gentleman as his great application to the question deserved. It was his opinion, that if the House reserved the authority which Parliament now possessed over election petitions, public respect would accompany them much more than if they were to pass sentence of incompetency upon themselves, and were to state, that whereas up to the present period, the House of Commons had been the safe depositary of the rights and privileges of the people upon this subject; but that now, in the year 1838, they for the first time, were ready to pass a species of self-denying ordinance, and dispossess themselves of the power they had hitherto exercised, and were willing to transfer it to another tribunal. He hoped the House would never come to this determination; for sure he was that there was no tribunal by which this jurisdiction could be exercised with equal safety to the liberties of the country, as the House of Commons itself.

Mr. *V. Smith* fully agreed with the general determination expressed by the House, not to enter upon a discussion of the merits of this measure at present; but he trusted he might be permitted to refer to the question as to whether these tribunals should be constituted of Members of the House, or composed of other persons. He thought it would be perfectly possible to allow all petitions on election matters to be presented to the House, and then to refer them to a committee of lawyers to be appointed by the House, and by those means they would preserve the jurisdiction of the House, and at the same time get rid of the evils which were attendant upon the present system. He would take the liberty of observing, that, as it seemed to him, his hon. Friend, the Member for Hampshire, and the right hon. Baronet opposite, had been mistaken in supposing an analogy to exist between committees on private business and election committees. The evils that prevailed in committees of these different descriptions were of a totally different nature. In committees on private bills they had to guard against the interference of local and personal interests, but that was an object which was easily attained by selecting Members to form those committees, who were not personally or locally interested in the matter. It was no such difficult thing to find Gentlemen quite unconnected with a railroad or a canal bill; but where were they to find in that House persons without political interests to serve? Members of that House were *ex necessitate* politicians. His own very strong impression was, that some such tribunal as he had alluded to must be constituted in order that justice might be done; and he owned he was not deterred from entertaining that impression by the constitutional argument employed by his right hon. Friend, the Chancellor of the Exchequer, because he thought that it did not apply. He had said, that he would not discuss the merits of the right hon. Gentleman's measure, and he, therefore, merely rose for the purpose of asking the right hon. Baronet a question with respect to the possibility of bringing on his measure at a time which would allow the House to legislate on this important subject this Session, for he thought that the right hon. Gentleman would agree with him in thinking that it was highly important that the House should legislate this Session upon the subject, inasmuch as the Session after a general election was a more likely time than any other at which this question would be taken up in such a shape as it ought to be. He, therefore, took the liberty of asking the right hon. Gentleman whether he could promise the House to fix a convenient day on which the second reading of his bill might take place.

Sir *R. Peel* had devoted as much time as possible to the preparation of the measure which he now sought to introduce, and he held in his hand the result of his labours in the shape of a bill already printed. The delay which had taken place in its presentation was attributable to the inquiries which it had been found necessary to institute with respect to the subject of recognizances and costs. The Committee, however, were nearly ready to make their report, and, therefore, as far as he was himself concerned, he should be ready to bring in his bill in the course of a very few days, and he would select an early period for the second reading. Of course, he should be glad to fix such a day for the second reading of the bill as would meet the convenience both of its supporters and its opponents, and he should wish very much indeed that the sense of the House should be taken on the question of continuing the jurisdiction over election matters to the House, or of giving it to some other tribunal.

Dr. *Lushington* said, that there was one conclusion at which he had arrived upon the discussion of this question, and that was, that he never would consent to divest that House of its jurisdiction over election petitions. He verily believed, that it would be impossible to constitute a tribunal which would do justice, and which, at the same time, would not be liable to be controlled by some unforeseen circumstances, when it had once been established by Act of Parliament. But, said his hon. Friend, the Member for Northampton, "I will have a tribunal not consisting of the Members of the House of Commons, but, notwithstanding, appointed by the House." Why, he would contend, that the independence of such a tribunal would be gone the moment it was constituted. If it were appointed by the House, it would be the tool of the majority, and what kind of satisfaction would its decisions, in such a case be likely to afford to the minority. But let them take the other alternative, and suppose a tribunal above the control of the House, parties being, as at this moment, nearly divided. What would follow? Out of the three or five members of the tribunal there might be one—he would not say corrupt individual, though that might possibly happen, but there might be some—misguided person who might take an erroneous view of the law. Suppose, then, a series of decisions took place which altered the majority in that House, and he would say, that, in such a case, he cared not whether the majority was Tory, or Liberal, or Whig, the majority would be unduly altered. He was prepared to accede to a great many of the arguments used by the right hon. Gentleman. He thought with him that the responsibility of an oath would be greatly increased by the manner in which the right hon. Baronet proposed that it should be received. He admitted, also, that in matters of fact, such a tribunal, if of perfect independence and entire integrity, would be, making all allowances for the infirmity of human nature, as perfect a tribunal as could be constituted. But matters of election law, as all professional men knew, were attended with the greatest difficulty. In the very last committee on which he sat, was an hon. Gentleman who had been a Member of the House many years, and a more honourable man could not be found. A point arose for the decision of the committee, and he was told that the law was clearly one way. "I do not think the law ought to be so," said he, and he gave his vote accordingly. Now, did that hon. Member mean corruption? No, he did not; at the same time, it was the duty of an election committee to decide what the law was, and not what it ought to be. Another evil frequently occurred. Professional men were often consulted by Members of election committees on cases which came before them. Of course the circumstances were stated generally, but the mischief was the same. Three weeks ago a Member came and said to him, "What do you think is the law in such a case?" Now, the question which was then put to him was about as difficult as any which had been submitted to him in the course of his professional life, and one which he could not pretend to answer without looking into all the authorities, and giving the matter the most mature deliberation. And, what did the House do at present? They asked country gentlemen, for the most part ignorant of the law, to decide off-hand questions which, if submitted to the most competent members of the legal profession, would oblige them to say "give me time to look into the case," and which a judge, supposing him to be sitting *in banco*, and not at *nisi prius*, would take time to consider. Therefore he agreed with the hon. and learned Member for Ipswich, in thinking that, in the present complicated and difficult state of the election law, if they meant to have the law observed and justice done, they must have persons acquainted with the great principles of law and the leading rules of evidence to point out to the committee what was the proper course for them to take. Now the manner in which he would carry this into effect would be thus: he would give these persons no vote, but he would oblige them to declare their opinion openly before the public, and he would have the lists of divisions in the committee published. He would have their statement of the law put in such a shape that the House might easily judge what was the question to be decided, and then, if the decision of the committee were contrary to the common sense of the question, the public would view their proceedings with suspicion. In another respect he agreed with the Attorney-general, when he expressed a wish that the House should retain the control over election matters, in order that it might be able, not indeed to make many alterations, but to remedy from time to time defects in the existing law. He could not help regretting that the proposition of the noble Lord, the Member for North Lancashire, for the settlement of disputed questions on the law of elections, had been so hastily withdrawn. He doubted, indeed, whether a committee of that House could prepare a complete digest of that system. Such a subject must be dealt with by professional men, and much time would elapse before they could produce any thing like a well digested plan. But, although he did not think that a committee of the House of Commons would be the best calculated for the consideration of such a subject, he thought that the Government, with the powers which were consigned to them, might bring the question before Parliament; and although, perhaps, they might not be able to present a complete digest of the system of election law, yet they might get rid of some of those disputed points which day after day consumed the time of election committees, and were discussed by them *usque ad nauseam*. Thirty years ago he was unfortunate enough, as a just punishment for all his sins, past, present, and to come, to be put on his trial for fourteen days before an election committee. He examined the decisions to which that committee came as a lawyer, and the result was, that, out of twenty decisions, there were eleven on one side and nine on the other. He considered that the proposition of the noble Lord, the Member for North Lancashire, would, if it had been carried into effect, have gone a great way to remove evils of this nature.

Viscount *Howick* entirely concurred with his hon. and learned Friend who had just resumed his seat, and also with the right hon. Baronet, as to the extreme impolicy of any transfer of jurisdiction upon this matter to any other tribunal, and he confessed that the hint just thrown out by his hon. Friend (Mr. V. Smith) seemed to him calculated to make any such proposition more objectionable than he had at first supposed; because if he understood his hon. Friend correctly, what he proposed was, that some tribunal, consisting of lawyers, should be appointed to investigate and report to the House, leaving it to the House to determine in the last resort whether the judgment given by that legal tribunal should be binding or not. This seemed to be a revival of all the evils that existed previous to the passing of the Grenville Act. If the House should have the nominating of this legal tribunal, it would give rise to all the struggle attending the nomination of the present committees; and, again, when that tribunal should have formed their opinion, they would have a similar struggle upon the question whether the judgment of that tribunal should be binding upon the parties. That he thought would be a more objectionable plan than even the proposition for removing altogether the jurisdiction from the House. But his object in rising at the present moment was strongly to urge upon the right hon. Baronet the importance of considering more fully the inconvenience which would result from omitting that part of the measure recommended by the committee which sat two years ago with respect to the appointment of an assessor. In addition to what his hon. and learned Friend had just stated in favour of that appointment, he would call the attention of the right hon. Baronet to the great advantage which might be derived from these assessors as a court of appeal from the revising barristers. He thought the suggestion to this effect contained in the measure of the hon. Member for Liskeard was one of the most valuable and important parts of it. He believed that if they were to have three really good and competent assessors to preside over the meetings of the election committees, and these three assessors were to constitute together a court of appeal in matters of law from the decisions of the revising barristers, they would have the means in a very few years of removing a great number of those questions which led to the presentation of election petitions at all; and would cut off that source of those proceedings which, in whatever manner determined or tried, never could be free from the greatest inconvenience. It would further enable them to determine what he thought would be one of the greatest possible improvements in the existing state of the law—namely, that a vote once put upon the register should no longer be contested. He quite understood the objections which many hon. Members felt to such a provision in the present state of the law—that of making the decision of the revising barrister, a person frequently not of much legal experience, final and irreversible. He would also suggest to the right hon. Baronet, that he might obviate that which had hitherto practically been a great difficulty in the way of the appointment of these assessors—namely, as to the mode of their appointment. It was known that in the bill which was formerly proposed a great difficulty was felt upon this subject. He believed, that the proposition to leave the appointment to the Speaker was not approved of by that right hon. Gentleman; and when they came to inquire what gentleman would take the appointment, it was found that no lawyers in great practice and of the station and eminence requisite for such a situation would consent to put themselves in the invidious position of having allowed their names to be placed in the bill without the certainty of the bill passing, or the appointment taking place; because that would have been undervaluing their own practice, and holding out to solicitors and other parties that they had no permanent views as professional barristers, which, in the event of the bill not passing, might almost lead to their ruin. But it seemed to him that the general committee which the right hon. Baronet proposed to create might most suitably and properly be intrusted with the duty of filling up these appointments. There was another point to which he begged to call the attention of the right hon. Gentleman; he concurred with the right hon. Gentleman that one great fault of the bill of the hon. and learned Member for Liskeard was, that it proposed to continue the system of balloting in the House; thereby offering a constant temptation to party excitement. The right hon. Baronet had not at all over-stated the objection to that part of the hon. and learned Gentleman's bill. But, on the other hand, he would ask the right hon. Gentleman whether he did not apprehend that very great difficulty would arise from imposing upon the general committee the duty of actually naming the individuals who were to constitute the election tribunals? The moment they should get rid of the present strong party-desire to obtain a majority on the committee, that moment a reluctance to perform what then would become a very laborious and disagreeable duty would necessarily recur. All sorts of excuses would be brought by hon. Members before the general committee, and in dealing with those excuses there would necessarily arise great difficulty; and whatever decisions the committee might make, there would unquestionably be created no little grumbling and dissatisfaction. He would, therefore, ask the right hon. Baronet to consider whether he could not obviate the objection which was entertained to the bill of the hon. and learned Member for Liskeard, on the ground of the party excitement created by assembling the House for a ballot; and, at the same time, obviate the difficulty to which he had just alluded, by adhering to ballot as the mode of choosing the Members of the committees, but having the ballot conducted by the general committee and not requiring the presence of the Members to be selected. This would make it necessary to recur to the recommendation of the committee which sat two years ago, that the House should be divided into panels from which election committees should be taken alternately. Otherwise, he feared that if the general committee should name Members to serve on a particular committee, long before the time for entering upon the inquiry the persons thus nominated would soon be liable to the system of canvassing, which it was so difficult to guard against, which was painful to the Members, and was highly objectionable in practice; whereas if the Members were named only a short time before they were required to attend, Members would be subject to great inconvenience from being suddenly called upon, and it would require the almost constant presence of Members in town. These difficulties would be removed by dividing the House into panels, and then by selecting the names, not, he would say, by open ballot in the House, but by the general committee which the right hon. Baronet proposed to appoint—let the House even be divided into a greater number of panels than the committee to whose report he had referred had recommended—let the general committee, in making this division, take care that each panel should contain a fair proportion of Members from each side of the House, of experienced and inexperienced, of legal and unlearned Members, and then let the Members in each panel be informed the time when they must hold themselves in readiness for attendance. He would not revive the system of ballot, but the whole names in the panel might be put into glasses, and the general committee might, in private, conduct a ballot and choose the names for each committee, drawing also a supplemental list, which he would propose to keep sealed up till required for use, and to open only in the event of some reasonable objection being shown by the parties to exist to any of the names on the original list, or in case some of the Members so drawn should have any valid excuse to offer from serving on the committee. In this manner, the general committee would be relieved from the odium of imposing a very onerous and disagreeable duty on particular individuals, who, however fairly they might be chosen, would, no doubt, be very apt to complain of having been singled out to undertake it, while if each Member of the House stood his equal chance of being required to give this service, there would be no room for such complaint. He had thought it desirable to suggest for the right hon. Gentleman's consideration the difficulties in the practical working of his bill which had suggested themselves to his mind, and at the same time to point out what to him appeared the simple means of remedying the probable ill effects of one part of the proposed plan.

Mr. *S. O'Brien* said, that he had a plan to propose, which, in his humble judgment, would be more effectual in procuring the object all had in view than that proposed by the right hon. Baronet. If he had heard any thing in the scheme proposed by the right hon. Baronet likely to simplify the mode of deciding election petitions he would not now have intruded on the House any plan of his own; but he was convinced that that plan would not remove the present evils, while it would run the risk of creating others now unknown. Therefore, with all deference to the superior judgment of the right hon. Baronet, he must persist in submitting the plan which, in his judgment, was best calculated to promote that object. He felt, that such conduct, on his part, was very presumptuous—but, on the other hand, he thought that all hon. Members would concur with him in acknowledging that public opinion pronounced against the impartiality of their decisions. The question, then, was, what scheme could be devised to set the House right with the public; and he thought it was the duty of every Member, however humble might be his claim on the attention of the House, to put forward such suggestions as might occur to him in promoting the general object. He would not now enter into details, but he thought he would be able to show, that the plan he would have the honour of submitting would possess the principal requisite to secure impartiality and competency in the judges of election petitions. His proposition would go to expunge all the clauses which left any discretion in the body of the House, and to confine the decision in each case to three barristers. He believed, that this was the only method of securing the impartiality of the judges, the competency of the tribunal, uniformity in the decisions, and a cheaper and more expeditious process of trial than would now be attained. He thought that these were the requisites for which, in forming a new tribunal, they ought to look, and his plan would not be liable to the objection of taking the power out of the hands of the House, because the tribunal which he suggested would emanate from and be responsible to the House itself.

Mr. *Goulburn* said, that all must wish to mature a sound plan without reference to party feeling. He concurred for the most part in the general feeling of the House, that in the measure of his right hon. Friend behind him there was much that recommended itself to the attention of the House. He would not enter into any lengthened discussion in that stage, but would content himself with briefly referring to some recommendations which had emanated from hon. Gentlemen opposite. As to the appointment of assessors, hon. Gentlemen had argued rather with reference to the tribunal which at present existed than in reference to that which would exist under the Bill of his right hon. Friend. At present the rule of striking out the names of the most intelligent Members, and leaving on the committee only those who were least informed on the matters to come under their consideration, and professedly calling upon the Members thus selected to decide legal points of which they were ignorant, rendered it necessary that an officer should be appointed to each committee possessed of some legal knowledge; but if, instead of having on these committees men little conversant with the law, they had the assistance of the best informed and most distinguished Members of the legal profession, belonging to the House, he could not conceive what good effect would be produced upon such a committee from the appointment of an assessor. However high in his profession such assessor might be, and however respectable his authority, it might happen, that he would not have the same legal erudition as some of the Members over whom he was to preside; and if a difference should then occur between them, if the assessor should give an opinion one way, and these more erudite lawyers should decide otherwise, what would become of the legal character of the assessor? When he next went into a committee his legal knowledge would be doubted, and his services would thus be rendered less efficient, and it would be difficult to give him that authority over the committee with which it appeared so desirable to invest any legal advisers. On one point, however, advanced by the noble Lord (Viscount Howick) he concurred. He thought that difficulty might arise in securing the attendance of Members who might be nominated on committees of this sort, and that some means might be taken to prevent the imposition on themselves of this onerous duty; but he thought at the same time that the remedy proposed by the noble Lord would make matters worse. If the House were divided into panels, and the committee were then selected from the panels by ballot, what security would the House have that the least learned Member in the panel would not be chosen? There would not be the same evil of partisanship as at present existed, but there would be at least as great an evil as was experienced with respect to the character of the persons forming the tribunals, and from the want of information on their part, whereas by his right hon. Friend's proposition there would be so much impartiality and discretion in the tribunal as to secure a fair decision.

Mr. *Hume* wished to direct the attention of the right hon. Gentleman to the immediate and effectual mode of lessening the difficulties which came before committees, by introducing some measure to reconcile the contradictory decisions of the revising barristers. He would venture to say, that out of every twenty-seven decisions upon different points at least twenty-five were contradictory. He was personally conversant with several. The proprietors of the shares in the New River Company were put on the list in one county one year, and taken off in the same county the next, whilst in the neighbouring county their claims were rejected in one year and admitted in the following: indeed, he had seen two barristers sitting for the same courts, differing upon the same point, one being for the admission of one class of votes and the other being against them. Nothing was so disgraceful to the representative system as the state of the registration, and if the right hon. Baronet would give half the consideration to the proposal which had been made for the amendment of the registration and the appointment of a court of appeal which he had devoted to the constitution of election committees he would accomplish much good. He did not say that the bill which in a former Session had passed that House to amend the registration was complete in all its parts, but if it had been adopted the experience of one or two years would have enabled the legislature to apply a perfect remedy: it would have procured uniformity in the decisions, and would have removed those hard contests which now took place in the registration courts, where parties were keenly opposed, and which were so disagreeable to all. It now too frequently depended on the manner in which the evidence was got up in different years whether the same party was put on or struck off the register for the same qualification; and yet, notwithstanding these great evils, a great deal of the public money was expended, and much more than would be necessary under an efficient system. He would not enter into a discussion of the details of the bill then before the House, but he sincerely hoped that the right hon. Baronet would direct his attention to an amendment of the system of registration, and he would then leave so few points for the decision of election committees as materially to lessen the difficulties under which they now laboured.

Sir *Robert Peel* in reply remarked that the question of registration was perfectly distinct from that before the House. He admitted that nothing was more important than a simplification of the election law, and though the subjects were distinct, he would not say that it was impossible to amend the system of registration, and at the same time to lessen the duties of the tribunals he proposed to appoint. But if there were great difficulties in the way of improving the system of registration, that was no reason why they should not improve the tribunal for the trial of controverted elections. It was a great misfortune that the law was not simplified; this point, however, he considered; and there were many points in the settlement of which no political difficulty would arise, whilst for others, such as the right of trustees to vote, and the opening of the registry, there might be great trouble; but if they failed on these points, they might go as far as they could in simplifying the law in such cases as how the distance of seven miles should be measured, and how many others. He wished, also, that they could establish some efficient court of appeal from the courts of the revising barristers, and thus provide a settlement for many of these disputed points of law. It had been suggested, that this might be done by referring the points to three of the judges; but he was unwilling to mix up the judges with such matters; he knew that the judges in Scotland were so rejoiced when the consideration of the freehold rights—by which much trouble was occasioned to them—was removed from them, that he deprecated giving to a judge any interference in political matters. Hon. Gentlemen had said, that the settlement of the question of the proper constitution of election committees was a difficult task, and he could assure them that it was not without a due sense of this difficulty that he had made his proposal; but he thought, that by avoiding every thing like party spirit the difficulty would be lessened; and he entertained a strong conviction, that unless the measure which he had proposed should meet with the general assent of the House there was not much hope of a settlement. His plan was to establish a tribunal on which more reliance could be placed, and which was more trust-worthy than the present Committees. With respect to the objection against vesting the power in the hands of the Speaker, whose main object must always be to conciliate the good will of the House, he thought that the Speaker would look to far higher objects than consulting the interests of party, and that it was more unlikely, because no advantage which he would gain for his party would counterbalance his desire to maintain his character for impartiality, on which his influence in the chair greatly depended. Whoever entertained a dread on this account, showed great ignorance of the general laws of human nature. He proposed, that the number of Members on the general committee should not exceed four or six; he thought four would be the best number if the House were pretty equally divided into two great parties, but as it might be desirable to provide for other parties, he had no objection to extend the number to six. The noble Lord (Howick) had referred to the invidious duty which would devolve upon this general committee of compelling the attendance of Members on the Election Committees, but this difficulty would principally apply to the first Session following a general election; because afterwards Members would easily know when a petition was to be heard. But when the noble Lord stated the hardship which would be imposed on Members by a necessity for their attendance, he rather undervalued the obligation which Members contracted towards the public. Members of Parliament had particular duties towards the public which they ought to discharge, and reserving to the House the right to grant leave of absence for cause shown, he thought it was but fair and right to expect that those who sought the honour of becoming one of the Representatives of the people in Parliament would be in attendance to perform their duties. It might be possible to divide the House into panels, and then to fix each panel for a particular week; but he greatly objected to the selection of the Members of the committee partly by chance and partly by open choice; he deprecated mixing up the two means of naming the tribunal, and if they used the ballot they would still run the same risk as they did at present, that the Members of the committee would not have proper Parliamentary knowledge and experience. It might happen, that the first seven names drawn on the ballot should be those of Members holding strong opinions upon the points to come before them, or of Members entering Parliament for the first time, or of those who of all the names in the panel were notoriously the most incompetent; he thought, therefore, that the system of selection should be complete throughout, and that nothing should be left to chance. With respect to the appointment of assessors, it might quite consistently with his plan be engrafted upon it. But there was great difficulty in appointing assessors. If they were to be efficient and skilful, their remuneration must be sufficient, their appointment must be permanent, and they must be limited in number. Now, suppose they had three assessors; unless the House provided for them some other business to perform they would be overloaded with business in one Session, whilst they would have comparatively little to do in another. But would three, or any limited number be able in some Sessions to afford sufficient aid? It was desirable to dispose of all election petitions as soon after the meeting of Parliament as could be done with a due regard to justice. Now, he did not see any difficulty in six or seven committees sitting at one time, or any other number which could insure the attendance of able counsel. Suppose they had three assessors and six committees, they could only provide assessors for three, and they must either postpone the petitions till the assessors were disengaged, or take the only alternative of appointing others—deputy assessors, not holding a permanent or independent appointment; and would they, acting *pro hac vice*, give the same satisfaction as those holding the permanent appointments? Then, with respect to the permanent appointments, the time would come when it could not be said that these officers were unfit for work, but when they would be less capable of exertion; they must, therefore, make some provision for their retirement, and nothing was so inconvenient for the House to be saddled with as permanent appointments, without making a provision for the retirement of the officers, even before the intellect was impaired by age or infirmity. It might thus be found, that even three or five assessors, whom it would not be desirable to retain, and yet towards whom so strong a feeling of personal respect would be entertained, that no one would like to say, "The time is come for suggesting to the archbishop that his sermons did not give satisfaction." For himself, he expected that with the new tribunal an entirely new feeling would arise; that the amended Committee would approach the inquiry with feelings totally different from those entertained at present. As he proposed that the eminent legal Gentlemen in the House should attend these committees, if the hon. and learned Gentleman, the Attorney-General, should be on one committee, and his learned Friend, the Member for Exeter, were on another, and an assessor were appointed who should manifest any inferiority of character or professional talent, yet he would be a permanent officer, whilst his inferiority being known, his authority would be lessened. If the present system were to continue of appointing on Committees young men who entered Parliament for the first time, he saw no remedy but in appointing assessors; if, however, one of the highest law authorities were on each side of the same Committee, he believed, that no lawyer sitting on a Committee, and in face of the public, would give anything but pure law and administer anything but justice. He hoped, therefore, that hon. Gentlemen would well consider the difficulties in the way of appointing either merely temporary assessors or a permanent tribunal formed of a small number of lawyers. If, indeed, they could find employment for these assessors in determining appeals from the decisions of the revising barristers, their attention to the subject would be sufficiently continued to ensure their knowledge of the law. But they would be entirely useless unless they were permanently appointed, or at least "*quamdiu se bene gesserint*," and unless a retiring allowance were provided. He wished the hon. and learned Gentleman, the Member for Dublin, who had objected to this measure, would introduce his own and have it printed. He could not believe, that any man could effect any real improvement unless he should specify the mode in which he proposed to secure the object which he professed to have in view; but above all things he desired to see the plan of the hon. and learned Member, which he understood consisted of the appointment of judges, acting with juries, and in whose decisions there was to be unanimity. It was a plan which to him scarcely seemed feasible; but, of course, until its terms were proposed to the House he could give no decided opinion upon it. There was one ingredient, however, which seemed to present fair grounds for objection. A case was to be submitted by a committee of five for decision. Now, although it might be very possible that a case might be agreed upon, yet the House must be aware that the mode in which the question was put would be very material in considering the decision which might be come to, and might, in some cases, tend very considerably to induce them to give judgments very different from those which would be produced by other statements which might be agreed upon. He sincerely hoped, therefore, that when the hon. and learned Member should bring forward the system which he advocated, he would bring it forward, not in the form of an application for a Select Committee to inquire into the propriety of the House parting with its jurisdiction, but in such a manner as that the principle to be acted upon, as well as the practical plan, would be laid before the House. If this course were not pursued, he had no hesitation in saying, that the House would make no progress whatever in the matter; and he, therefore, most strenuously urged the hon. and learned Member to bring the whole subject under the consideration of the House, with a view to its being fairly considered as a whole at once. For his own part, he could not see what benefit could be derived from the appointment of a Select Committee, for he could never consent to its being left to a Select Committee to decide a question of so grave importance, as whether the House should part with its jurisdiction or not. He had always been most anxious and ready to defend the privileges of that House; and although it might be said, that he had a reason for supporting these privileges, as well as the prerogative of the Crown, yet he had no other reason for so doing than that which in common every other Member of the House had—a desire to uphold and to support to the utmost of his power the true interests of his country. It was for the House to consider both equally, and to consider well the moral influence which would be produced on the public opinion by the proceedings of the House of Commons, if, after having established their power as against the Crown itself in times of arbitrary interference, and as against the House of Lords when attempts at encroachments on their privileges were made, they should consent to give up their power to some tribunal to be appointed by the Crown; (for who else would appoint the officers who composed it, independently of themselves?) And who would have the power of deciding the questions of whether Members of Parliament should retain their seat or not?

Leave given.

FOREIGN SLAVE TRADE.] Sir *Robert Inglis* rose to move an humble address to her Majesty on the subject of Foreign Slave Trade. He had never since he had had the honour of occupying a seat in that House, undertaken to bring forward a question with so deep and painful a sense of the difficulties in which he was placed. Never had he felt it more necessary, not for his own sake, but for the sake of the subject, to ask for the kind indulgence of the House. He begged to impress on them, that the subject he introduced, was one that involved the interests of many thousand human beings, and he feared lest he should do injustice to those great interests, and that the statement he should make, would produce a weaker effect than the subject ought to command. When he recollected by whom the subject was first introduced, he felt a greater sense of his inferiority, and he would say, that if his Friend, the late Member for Weymouth (Mr. Buxton), were still in his place, he (Sir R. Inglis) should not be the person to interpose between him and this question, because, though Mr. Buxton had not brought forward any motion on the subject, yet had he earned an almost prescriptive right to originate such motions from the success with which he had always advocated the interests of the slaves. Three years ago was the last opportunity the House had of expressing an opinion on this subject. Since that, he had obtained much information on it, and the subject had so grown on him, that, finding no other Member willing to take it up, he felt that to be his duty, and to urge on the House the necessity of adopting the motion he should conclude by proposing. It was now thirty years since Parliament, joined by the universal voice of the country, proclaimed the abolition of slavery. He never could recal that glorious time without also recalling a name which was now imperishably united with it, because, although the administration of Mr. Fox and Lord Grenville had the privilege of carrying the legislative measure, the House and the country could never forget that it was through the Christian zeal and untiring energy of Mr. Wilberforce that it was brought to perfection. Was it the object of the Parliament to relieve the nation from the guilt of allowing the system to continue, that that measure was carried; or was it to redress the wrongs of Africa, and to diminish the misery of the wretched natives of that country? If the object were that which he had first named, it had been accomplished, so far as our own participation in the slave-trade was concerned; but he was bound to say, if our object were to redress the wrongs or promote the happiness of the people of Africa, we had not succeeded; but, on the contrary, our efforts had tended to aggravate the sufferings of the wretched victims of human cupidity. He believed, that our exertions had increased the number of victims, and had aggravated all the horrors of the passage of the unfortunate negroes in the vessels which conveyed them from liberty to bondage. The truth of that allegation would be sufficiently proved, when he mentioned, that the largest exportation of slaves, which took place at the commencement of the struggle, which ended in the abolition of our slave-trade, was stated by Mr. Fox to be 80,000, while it was now stated that within the last few years it had increased to 100,000 annually, who had been carried from Africa to America and the West-India Islands. If he were to concentrate his arguments on this subject, he should say, that Parliament had converted a legal into a contraband traffic, had turned those who were fair traders into smugglers, and had compelled them to look to the speed of their vessels, and to their qualifications for sailing, as the only means by which they could secure the importation of their cargoes. By that means our laws had produced much of the misery to which the slaves were now exposed on their passage. By Sir William Dolbin's Act, a fair proportion of tonnage was to be allowed for every slave now under the Emigration Act, each emigrant was to be allowed a certain tonnage; and it was well known that a fair proportion of space was given to each sailor in her Majesty's vessels. But instead of a system of this description being adopted by the slave-vessels, it was proved within a few years that a vessel of about 158 English tons had a cargo of slaves amounting to 720 in number; making with the crew the total number on board 760—a number sufficient to man an English first-rate. The mortality in the year 1791, under the most favourable circumstances, when the trade was legal (if it were not an outrage on law so to call it), amounted to 62½ per cent.—a mortality, which, if extended over the world, would in the course of a year and seven months, have depopulated the globe. Since then, however, the ratio had greatly increased; and there were instances on record in which, in ten days, fifty-five out of 500 had died, and in which 200 or 300 out of one cargo had perished in the passage across the Atlantic. In one case where a ship had been seized, in which some of these miserable beings were contained, the mate was asked how many he expected to carry alive to the place of their destination, and his answer was "About one half?" He would take another case, the details of which he had in his possession. There were 355 slaves taken on board a vessel at Calabar, of seventy-seven Spanish (which equalled about 120 English) tons, twenty-seven of whom died on the night she left the river, while seventy-seven more died before her arrival at Sierra Leone, and eighteen more before the condemnation of the vessel. That was the rate of mortality amongst them after they were embarked, which was small compared to the rate of mortality on the whole, if those were included who were seized in their burning villages under this horrible system. The mortality, however, great as was its extent, was less an evil than the horrible state of suffering which caused it; and death was a happy escape from the pestilential hold of a slave-ship. He had instances before him, and which he would read, if it should be necessary; of cruelties committed under the flag of every nation; but he would not trouble the House with them in detail. From the moment at which Parliament rendered the slave-trade contraband, all the horrors which had since accumulated on the wretched victims had commenced; and whether it were in 1822 or 1832, the sufferings of those who were seized were produced. He would refer, first, to the work of Dr. Walsh, which was entitled, "Notices of Brazil," and which contained a narrative of Captain Arabin having met one of those atrocious slave-vessels. She was of 400 tons, Spanish, or about 680 tons, English, and fitted up to receive on board no less than 1,200 slaves. On her being seen by Captain Arabin, he determined to board her, desirous to perform his duty and to procure for his crew the prize money to which they would be entitled. The vessel had taken on board 336 males and 256 females, amounting in all to 592 individuals, and in the voyage of fifty-five days, seventeen had been thrown overboard during a chase. The slaves were all under hatches, and the space in which they were confined was so small that they were obliged to sit between each other's legs, and their stowage was so close that they were unable to lie down, or relieve themselves from their cramped position, by night or day. On the crew and officers going on board, they discovered their unfortunate and miserable situation; and they discovered besides, that, as they belonged to different persons, they were all branded like sheep with different distinguishing marks, and, as the mate said with indifference, these had been produced by their being burned with red-hot irons. As soon as the poor creatures saw the English officers on board, many of them seemed by instinct to know that they came there as their preservers. Their countenances were observed to brighten up, and, clapping their hands, they called out in the little Spanish they had learned, "*Viva, viva!*" Some of them, on the contrary, seemed in great distress, and hung down their heads, as if their spirits were broken by their confinement in the low cells in which they had been placed, and which were only three feet high, shut out from light and air, and in an atmosphere where the thermometer stood on deck in the open air at 89—a heat scarcely bearable by the Europeans, with "all means and appliances to boot." The officers, seeing the state of wretchedness in which the unfortunate beings were existing, persisted in demanding that they should be permitted to enjoy the free air, and they were at length suffered to quit their cells and to make their way on deck. On the hatches being opened, the deck was immediately crowded with men and women in a state of nudity; and it was impossible to conceive how the 517 slaves could all have been stowed away, for the deck was completely covered from stem to stern. On search being made, some children were found below lying in corners in a state of complete torpor, produced by the heat and the unhealthy state of the atmosphere. They were brought into the air, and soon revived; but the most surprising and heart-rending scene which was witnessed, was that which occurred on water being produced. They had hitherto been kept without this necessary article; and on its being shown, they all rushed to it like madmen, and neither threats nor blows could restrain them. Hon. Members might expect to follow these unhappy creatures to the land of promise, where they were once more to be restored to liberty and comfort. But no! On examining the papers, it appeared that the master of the vessel had taken the slaves from the south and not from the north of the line, and Captain Arabin was obliged to abandon her. To have carried her to Sierra Leone, would have compelled the vessels to beat up to windward, for which the ships had not a sufficient supply of water, and it was with infinite regret that Captain Arabin was obliged to restore the papers to the master of the slave-vessel, after an investigation which lasted nine hours. The last sounds which he appeared to have heard on quitting the slavers, were shrieks and cries from the slaves who had been momentarily revived by hope, only to be again plunged in despair. There was another case which was well known to some hon. Gentlemen who took an interest in the matter, and which was, perhaps, more horrible than the case he had already referred to, if any case could be. He found it in "A Narrative of a Visit to Sierra Leone," by Mr. Rankin, and which was published a year and a-half ago. It appeared from his statement that, in the autumn of 1833, the schooner Donna Maria da Gloria, supposed to be Brazilian, left Loango under that flag, and on the night of her departure received on board 430 negroes, who had been kept in readiness to be embarked. Hon. Gentlemen were aware, that when such an expedition was on foot, it was usual that a number of slaves who were about to be shipped off were ready to be put on board—and they were generally embarked under cover of the night. The Donna Maria was destined for Rio Janeiro; and arrived off the harbour with her cargo in November, and was there captured by her Majesty's brig Snake. On the case being brought before the court, a question arose as to her Brazilian character, which the court decided was not made out, and it was necessary that the case should go back to the mixed commission at Sierra Leone for inquiry. A second time, then, were the unhappy prisoners cooped up under the hatches of this vessel, and carried across the Atlantic to Sierra Leone. On their making that place, after a two months' voyage, it was found that the number of slaves was decreased from 430 to 335. The case then came to be considered before the court there, but until it was decided the slaves could not be landed. At length it was declared, that the capture was illegal, as the vessel was Portuguese and not Brazilian, and the slaver received a certificate from the court to protect her from future violence from any British vessels she might meet. Once again did the vessel start for Rio Janeiro, with her ensign flying as in triumph, the dying wretches still confined under the hatches, the total amount of their imprisonment having then extended to seven months. What had England done to prevent these evils? Treaty after treaty had been made, and he was bound to say, that there had been no want of vigilance on the part of either the present Ministers or their predecessors to enforce them. The Ministers had represented the true feelings of the people, as well as the will of the Sovereign, by endeavouring to put an end to the foreign slave-trade. But notwithstanding all that had been done, and all the efforts they had made, they had not met with success in their endeavours to put a stop to this, the greatest crime, in his belief, which man could commit. He was unwilling to detain the House by entering fully into the subject of the evils arising from the Mixed Commission Court, as now established; but there were physical objections to its being placed at Sierra Leone. He should abstain from any exposition of the disadvantages consequent on the constitution of the court, and should refer only to the mere physical objections to the position of the court. The greater portion of the slaves were taken away from the bight of Benin, and from thence to carry them when a vessel was detained—to Sierra Leone—produced a prodigious mortality, which, if the Government could have retained possession of Fernando Po, might in a great measure, have been avoided. It must be admitted by all, that Fernando Po, situated as it was, would be a desirable place for the mixed commission, and he should, therefore, beg to impress most strongly on the mind of the noble Lord opposite (Lord Palmerston) the propriety of endeavouring to establish the court at that place. He might mention, as an additional reason, that of 50,000 slaves who had been carried to Sierra Leone, 6,700 had died between the time of their capture and their liberation, and 40,000 had been liberated. With reference to other powers engaged in this trade, there was every reason to believe, that houses situated in the Havannah, and notoriously engaged in carrying on this infamous traffic, were furnished with capital for that purpose from other countries. Under the Spanish flag the evil continued to prevail to a very great extent. From the papers recently laid on the table of the House on the subject of the foreign slave-trade, it appeared that one of the most frightful scenes that he had ever seen described had not long ago occurred on board a vessel under the flag of that power. The name of the vessel was the Vencedora, and the substance of the document which he described from memory, though it was so striking that he could not mistake was, that this ship, after having been at Rio Congo, on the coast of Africa, went to Cadiz to take in passengers for the Havannah, and was at Cadiz many days, and was visited by the Spanish sanitary and custom-house officers. During the passage of the vessel across the Atlantic the passengers observed that a much larger quantity of rice and other provisions was cooked than appeared requisite for the number of persons which they saw on board. They also experienced a very unpleasant smell on board the ship, which they were unable to account for until their arrival at the Havannah, when they discovered that twenty-six negroes had been secreted in the hold during the whole period of the voyage, who were to be consigned to slavery in the Havannah. That was another example, that the efforts of England to suppress the traffic had only served to aggravate its horrors. In another case which was described in these papers five young negroes were taken out of a water-cask, in which they had been stowed for some time in order to be concealed from our cruizers. In another case a prize master was forty-eight hours on board a ship that had been seized before he discovered that there were slaves on board, so well had they been secreted. According to the papers on the table, there were three or four recent instances of slave-vessels being fitted out at Lisbon, under the Portuguese flag, and such was the general conduct of the Portuguese Government on this subject, that her Majesty's Minister at that Court, Lord Howard de Walden, in his dispatch to the Duke de Palmella, of the 12th of September, 1834, felt himself obliged to use the following language:—

> "I have the distressing reflection now brought to mind that in no one single instance out of the many representations which I have brought by the King's command under the notice of the Government of Portugal, making known specific cases of encouragement of, or connivance at, this infamous traffic, has any one satisfactory answer been returned by the Portuguese Government, nor as far as I have been able to learn, has any one of the guilty, or suspected, or accused persons, been either proceeded against judicially, visited by any declaration of her Majesty's displeasure, or removed from situations where there exists every reason to believe that this system of encouragement to the traffic in slaves is still carried on in the fullest activity, in direct infraction of treaties, to the disgrace of the national flag, at the expense of the reputation and good faith of the Government, and the honour of the Queen of Portugal."

To what he had said, however, of the conduct of the Portuguese Government with reference to this trade he was bound to add, that there was one single instance of an officer in the service of that Government displaying good faith and honour in his efforts to check the slave-trade; and the same Minister, writing to the noble Lord opposite, had observed upon it, that such a proceeding on the part of a governor, or indeed of any authority whatever, "named either by the Queen of Portugal or by one of her Ministers, as that of attempting to check the slave-trade either in her most faithful Majesty's dominions, or any other part of the world, is, I believe, not before on record, I have thought it due to him to report this singular occurrence to your Lordships, anticipating the satisfaction it will cause your Lordships to learn the hopes which may fairly be entertained of one of the public functionaries of Portugal acting up to the general duties of humanity, which all those most loud in this country in proclaiming liberal principles are the first to profess and the last to practise." The name of this functionary, he had great pleasure in stating, was Don Domingo de Saldanah, the brother of the Marquess of the same name. But a great aggravation of the conduct of the Portuguese Government was to be found in the fact that we had purchased of Portugal their abandonment of the trade. We did not appeal to them as Christians, nor on the score of humanity, nor on the principles of justice, but we appealed to them for the performance of a bargain, for which we had actually paid the price; and he did trust, therefore, that the House would take such steps as would serve to record its sense of the strength and validity of the claims which this country held to require the fulfilment of that bargain. But, would the House believe it, the flag of Portugal was at that moment to be bought for a few dollars, on the coast of Africa, at Cape de Verd, for instance, or St. Thomas's, or Prince's Island; so that the Slaver had only to touch at one of those places, and there fit itself out, and secure itself against the risk of being boarded by the cruisers of any other nation. But the greatest iniquities occurring in this trade had, after all, been inflicted on the African negroes who were imported into the Brazils. He should not go into the details of the subject, it was enough to state that the single ground on which Portugal could ever have claimed the privilege, as she was pleased to call it, of continuing this infamous traffic, was the necessity of supplying her own possessions with labourers; but that ground was removed, the moment Portugal lost the dominion of Brazil. That ground had ceased altogether, therefore; but they were told, indeed it appeared from the same despatches to which he had referred, that Brazil was altogether an agricultural country, that is to say, it was wholly indebted for the support of its population to the labours of imported negroes. This had been urged by Portugal, but, notwithstanding, the Brazilian government had entered into a treaty to abolish the slave trade. Some of the authorities in that country held strong language on the slave trade; but when the noble Lord sent dispatches to Mr. Hamilton, the English minister at Rio Janeiro, directing him to call upon the Brazilian government to do that which they were bound to do by treaty, the result was, that it called forth a very strong expression of opinion in the Brazilian Chamber, against the Imperial government for submitting to the dictation of England, and against England for attempting to interfere with their concerns. By the first article of the declaration of the Brazilian government of 1831, it was emphatically stated that all slaves entering the Brazils after a certain date, should be free, but it was accompanied with an exception to slaves employed on board vessels belonging to any nation whatever, where the identity of the individuals should have been verified, by the exhibition of the passport and the list of the crew; and also with an exception as to slaves who passed from one province of the empire to another, having run away, or gone with their master's consent, provided that such circumstances were proved by the attestations of the police. Was not the English government, then, called upon to interfere with the authorities in the Brazils, to do that which they were bound to do by treaty, and by other most solemn engagements? Mr. Hamilton, the English minister at Rio Janeiro, said in his dispatches to the noble Lord, that he feared that it would be almost impossible at once to eradicate the feeling which existed in favour of the slave trade in the Brazils. In a dispatch, dated August the 15th 1837, which he would read to the House, Mr. Hamilton said:—

> "This commerce is so deeply rooted in the country, by the influence of individual interest and by habit, that I fear we may not look for any effectual remedy either at the present moment or hereafter from within. From abroad alone is it that the cure can come, and then, even, only from England. She must sweep the seas on the coasts both of Africa and Brazil, and employing some half dozen of armed schooners, of small draught of water for that purpose here, and inflicting summary punishment on some few masters of slavers, as guilty of piracy, her benevolent enterprise will be successful. Without some strong and sweeping measures of this kind, our success must prove uncertain and remote."

He was happy to say that the noble Lord had responded to the call of the Minister, deputed to represent England in Brazil. The noble Lord in his answer made use of the following just and forcible language:—

> "You will add, that the British Government has undertaken the task of putting down this evil, and will not be deterred from so holy an end by any obstacles, which, from time to time, may obstruct its endeavours; and her Majesty's Government sincerely hopes that no circumstances may ever arise which should compel it to treat summarily, and by its own authority, as pirates and outlaws, ships pursuing this traffic, under the fraudulent shelter of the flag of a friendly power."

In another part of these papers, it was stated that if Portugal persisted in thus violating her engagements and her social duties to other powers, as well as what was due to herself, England would be obliged to take up the subject; and the noble Lord added:—

> "And you will state, that if this fraudulent use of the Portuguese colours shall continue to be permitted, the Portuguese Government must not be surprised if a flag thus deliberately prostituted to such base purposes, should no longer be respected by British cruisers.'

He had stated that these evils existed in the greatest degree at Rio Janeiro and other parts of the Brazils, and in many places under the Portuguese flag. At the same time he did not undervalue the evils which arose from this traffic at the Havannah; on the contrary, he believed them to be of a most serious character. He had received a letter from a gentleman at Rio, who said that the number of vessels employed in that traffic, was greater than was known at any former period, and he added that, if it increased at its present rate, all the blacks in Africa would be imported into the Brazils. He made great allowance for some of these powers, for he recollected—to the disgrace of this country he said it—how long we continued this traffic after some of the local legislatures of the United States of America, before their independence as a separate state, wished to abandon the traffic, and to prevent the importation of negroes into these states, and how England interfered, and refused to allow them to abolish the trade. In addition to this, England had taken credit to herself for supplying Spain and her colonies with negroes under the Assiento treaty. But for Portugal there was no excuse; she had never been forced to continue in this commerce, and yet she was at present its main support, though in a state paper which he had seen, it was affirmed that "the dominion of Portugal was only known for good; and that her object had ever been, not domination, but propagation of the gospel." He should leave this part of the subject, without trusting himself with the expression of any opinion upon such a statement. But he must say, that he was astonished to find that a nation which had made the rights of man the basis of their legislation, and declared the slave trade to be a piracy, had yet allowed, if not the flag of the United States, at least the capital of its subjects to be employed in it. Since he had come into the House, he had had put into his hands a letter, from a gentleman on the Bahamas, of the date of the 30th of January last, on the subject of this traffic. He would not give the name of the writer for very obvious reasons, but he had no doubt, but that implicit reliance might be placed on the statement. This gentleman stated, that hearing of the shipwreck of a vessel, he went to a small and very dangerous bay where she had been wrecked. She had on board 150 Africans, all of whom were saved. The captain of the vessel had engaged two other vessels with the intention of smuggling them into the island of Cuba. The gentleman proceeded with a body of armed men, and succeeded in bringing off all the negroes in safety. These slaves were chiefly lads between the ages of fifteen and eighteen, and the value of this cargo was supposed to be upwards of 50,000 dollars. The value of the raw produce of this cargo, if he might use such an expression, was extremely small, and yet after its arrival at the place of its destination, it produced a great sum. He had asked his friend, Mr. Macgregor Laird, what was the average price of a young negro slave as high up the country as he had been, and had suggested that the price might probably be about fifteen dollars; but this gentleman assured him that there was no difficulty in buying a lad for twenty-five shillings. It appeared, however, that, in the Havannah, the average price of a slave of this kind was about 423 dollars. The enormous profit which those persons obtained who encountered the risks of this disgraceful traffic, made it very difficult, he was aware, to suppress it. He should be ashamed of himself if he introduced into the discussion of this question any mixture of party politics. He could not, however, help adverting to the influence of England in the Peninsula, which was not denied, but considered a matter of congratulation on the part of the Government; and he would not say, whether that influence were well exercised or not on other subjects; but the fact of such influence being admitted, he regretted that it had not been used over both Spain and Portugal to accomplish the effectual suppression of the slave trade. God had not intrusted this country with that influence merely for the purpose of preventing Don Carlos occupying the throne of Spain, or Don Miguel that of Portugal, but for higher purposes; and this country would not be wholly irresponsible if it did not now effectually use its influence in the cause of humanity. In saying this, however, he felt bound to admit that it did not arise from any want of will on the part of the noble Lord, the Secretary for Foreign Affairs, to put a stop to this infamous traffic; nor was his motion intended to imply the least complaint of indifference or neglect. He was not asking the House to adopt a course that would lead to the attainment of any pecuniary advantage for this country; he was not demanding of the noble Lord to write to our Minister at Madrid, to require the fulfilment of the Assiento treaty with Spain and her colonies; no, all that he required was, that Spain and Portugal should be called upon, and compelled, if necessary, to fulfil the solemn engagements they had entered into with England. He trusted that the time was not far distant when the House would sanction such measures that the carrying on the slave trade, which was nothing but wholesale robbery and wholesale murder, should be treated as piracy. If a person on shore dealt with another, as the negroes were treated on board the slave ships, the crime would entail upon the individual the punishment and the consequences of murder. If, then, such conduct to a single individual was followed by the infliction of the last punishment of the law, he could not see, when the same crime was committed towards hundreds, that a culprit should escape altogether. As one means of putting an end to this traffic, it might be suggested that a treaty, offensive and defensive, should be entered into with all the states of Africa; and, at the same time, we might say to Portugal, if that power refused to concede, that she would render herself responsible to England by continuing the traffic. He would ask whether there were any doubt in the mind of any one capable of forming an opinion as to the slave trade being piracy and buccaneering, and should be punished accordingly? This was not a singular opinion on his part, but it was entertained by numbers in foreign countries, and even in those countries where the slave trade still existed. He found, that Senhor Borges, one of the ministers of Brazil, said "that nothing but the conviction and execution of one or two slave-dealers at Rio would effectually suppress the traffic in that country." He looked, however, to the exertions of this country for the suppression of this trade; for it was only by her exertions, he was satisfied, that this great moral object could be obtained. The means by which this was to be done was, by the right of mutual search beyond the reach of those places and latitudes to which it was now confined. As another means, he would also suggest to the noble Lord the employment of steam ships of small draught of water, and which were capable of following slave-ships into the creeks into which they were often run, out of the reach of the British cruisers. He was aware that in another place a charge had been brought against the officers of the navy for not having pursued that course which they ought to have followed in the suppression of this horrid traffic. He was most unwilling to enter upon disputed subjects, but he felt bound, in justice to those gallant officers, to make one or two remarks. From the returns on the table it appeared that, within a certain period, they had captured twenty-nine ships engaged in the slave trade, and, out of this number, not less than nineteen had been taken under the equipment article, and the remainder had been captured with that which was said to be the chief inducement, namely, the having slaves on board. Therefore, as far as this paper remained uncontradicted, the imputation thrown on our naval officers was altogether without foundation. At the same time, if they did not intend the present system to influence the officers of the navy, it must be perfectly nugatory, and should be got rid of, so that even the suspicion of such an imputation should be avoided. Upwards of thirty years ago the Parliament had passed an act for the abolition of the slave-trade; it had since abolished slavery in the colonies, and had declared the carrying on the slave-trade by Englishmen to be piracy, and obtained similar declarations from other powers; but, at the same time, they had neglected to see, that the treaties they had entered into with foreign powers on this subject had been fulfilled. He would, therefore, say, do not "lay the flattering unction to your souls" that you have done your duty to the cause of humanity, for a great deal yet remains to be done. England had not hesitated to make sacrifices for the suppression of the slave-trade, and corresponding hopes had been raised by the promises of foreign states which had never been fulfilled; but unless a more vigorous course were taken, not merely by the Government, but by the Legislature, those evils which they now so much deplored, would continue in a more aggravated form; he trusted, therefore, that such steps would be taken by the noble Lord and that House as would lead to the speedy and complete abolition of this odious and infamous traffic in the blood of our fellow-creatures. The hon. Baronet concluded by moving:—

"That an humble Address be presented to her Majesty, dutifully to submit to her Majesty, that the slave-trade, which the congress of Vienna most justly described as having degraded Europe, desolated Africa, and afflicted humanity, nevertheless still continues with great intensity; that, notwithstanding the various treaties and conventions which have been entered into by her Majesty and her royal predecessors with different powers for the suppression of this traffic; and notwithstanding all the endeavours of successive Administrations at home, and of her Majesty's Ministers and agents in foreign countries, and of her Majesty's naval force employed in this service abroad, the trade has been aggravated in all its horrors; and that it is the opinion of this House, that a general concurrence of the great powers professing Christianity, in a declaration that the slave-trade, by whomsoever carried on, is piracy, and ought to be punished as such, as, under the blessing of God, one of the most probable means of effecting the abolition of that trade.

"That this House is further of opinion, that, in all treaties to be contracted between her Majesty and her allies, the concession of a mutual right of search of their commercial vessels respectively, would be another of the means likely to attain this most important object; and that this House most respectfully implores her Majesty to represent these their opinions, and wishes and hopes, in such manner as to her Majesty shall seem most likely to be effectual to her Majesty's several allies.

"That this House cannot refrain from expressing to her Majesty the deep concern with which they have observed, from the papers which her Majesty has caused to be laid before them, that Portugal has not yet fulfilled the engagements which she has taken towards this country, by concluding with Great Britain an adequate treaty for the suppression of the slave trade."

Mr. *Irving* rose to second the motion. He was understood to say, that 2,000,000*l.* had been vainly expended by this country in endeavouring to put an end to the slave trade, and that, however serious Spain might have, at any time, been in professing to join in that endeavour, certain it was, that the abominable traffic had been carried on by that country, through the island of Cuba, from year to year, in no way diminishing in consequence of our exertions, but, on the contrary, increasing, having been last year more abundant than heretofore. Experience had shown, that very little expectation was to be entertained from the result of treaties. To England alone they must look for the suppression of the slave trade, it being in his opinion a mere delusion to expect effective co-operation from other nations. The number of slaves imported from Africa in the year 1709, by all European nations, was 9,000, while in 1832 it had increased to the enormous amount of 200,000 and in 1838 was equally great, if not somewhat greater. Some evil arose, also, from carrying the slave vessels, when captured, to Sierra Leone. The average length of the passage was forty days. There was an instance of a ship, that was captured with 576 slaves on board, and though the vessel had a favourable voyage, she landed only 452, no less than 124 having died under the most distressing circumstances. He did not think, that Spain had done all that was to be expected of her in order to put an end to this traffic. It appeared that treaties were little better than waste paper in putting a stop to the foreign slave trade. The hon. Member here referred to some documents to show the extent to which the slave trade on the part of foreign powers had increased. He could not speak with the same approbation of Sierra Leone as others; for whatever might have been the motive of its original establishment and present maintenance it was one of the most unfortunate colonies this country ever had. With respect to America he had reason to believe, that the slave trade was still carried on to a considerable extent under her colours. There was also another way in which the flag of that country was made auxiliary to the traffic. Small craft were fitted out from the ports of the United States with equipments and stores, for the Portuguese slavers, and these beat about the coast for the purpose of supplying them when necessary. The noble Lord (Palmerston) should look to these things. Few were aware of the immense sacrifices made by this country to suppress the slave trade. Several millions had already been expended in the effort, a sum quite large enough to make the public consider whether they should not, in justice, make another and a final step, and employ one, if necessary, to make the treaties entered into with foreign powers available. To this end he should suggest, that any ship or any power taken with slaves on board should need no further evidence for its condemnation.

Sir *H. Verney* was gratified, that the subject before the House was brought forward by a Gentleman of such uniform prudence and such universally acknowledged rectitude of intention as his hon. Friend the Member for the University of Oxford. His statements were more than borne out by the papers furnished and by the corroborative testimony of others; and he (Sir H. Verney) had no doubt but many hon. Members could add the weight of their own evidence to tha already produced on this occasion. To those who had ever the misfortune to witness the horrors of a slave-ship the extract from Dr. Walsh's book quoted by his hon. Friend would be found an understatement of the facts. Every naval officer in that service was too well aware of the fearful horrors of the middle passage on board these prison ships, and of the tricks of the commanders and crews to evade search and seizure by the cruisers employed to suppress the trade. The traffic was, however, still carried on to an unexampled extent with Brazil; for, according to the statement of a Brazilian merchant, made to him in a letter received the day previously, there were no fewer than seventeen slave-ships, fully laden, entered for clearing in the port of Rio Janeiro in the last month of 1837. These things should not be allowed to pass unnoticed, neither should the present opportunity be suffered to elapse without a further effort to suppress the diabolical traffic. The annexation of Texas to the United States of North America would be a death-blow to the abolition of slavery, if some strong measures were not taken to neutralize the evil consequences certain to accrue from it to the hapless negroes. It was a singular fact, and one which he hoped the Government would be able to explain, that those States over which England exercised most influence were those which were most active in the traffic. Whatever might be the issue, he trusted, that the Government would not shrink from enforcing the treaties entered into on the subject, even by war if necessary; and he was quite sure, that however strong the course they might take, they would have the cordial concurrence of the public. With respect to the observations made by the hon. Member who spoke last on the conduct of the naval officers engaged in suppressing the trade, he saw no foundation whatever for them in fact. The system under which they acted was radically bad—that was not their fault—but he was firmly convinced that as officers they were entirely exempt from the imputations which had been cast on them. He heartily concurred in the motion of his hon. Friend and was greatly rejoiced that he had proposed nothing short of the punishment of piracy for those engaged in the horrid traffic in slaves.

Captain *Pechell* reiterated his complaints regarding the ungenerous attack made on the character of the naval officers employed on the coast of Africa by a certain noble Lord in a speech made in another place. Well, then, he would not say in a speech made in another place, but in a pamphlet published by the noble Lord, and of which he boasted that thousands had been circulated. He had hoped that the debate might have been permitted to pass over without further allusion to anything that had fallen from that noble Lord, but he continued to think that the aspersions in which he had indulged on the character of the gallant men alluded to, were uncalled for and unfounded. He regretted that the efforts of the noble Lord, the Secretary for Foreign Affairs, should be obstructed, and almost invalidated by the conduct of the Spanish authorities in evading the equipment treaty. The Captain-General of Cuba had shown but little regard to the solemn obligations which his nation had contracted with the British Government, and the evil caused by this hostility or indifference on his part had been aggravated rather than lightened by the dilatory and vacillating proceedings of the court of mixed commission. Some time since a slave-ship, the General Laborde, had been brought into Havannah under the equipment treaty, and though the case against her was fully made out, had been restored to her owners. Allusion had been made to the unhealthy nature of the service on the coast of Africa. He would urge on her Majesty's Government the necessity of holding out to seamen some greater inducement than now existed to enlist in vessels sent on that service, as it could not otherwise be expected that men would consent to condemn themselves to probable or certain death on the pestilential seas of Western Africa, when they might embark for the pleasant station of the Mediterranean or the American coasts. He feared, however, with all the exertions of the British squadron it would be impossible to suppress the slave trade unless the Government of this country would act more independently of foreign powers in issuing commissions to its ships authorising the capture of slave-vessels. At present it was necessary that these commissions should have the signatures of the Powers with whom we had concluded treaties for this purpose; and he was aware that the Government of Spain manifested the greatest reluctance to sign them; and even that of France did so with extreme jealousy. The flag of Brazil was that under which the odious traffic in slaves was at present chiefly carried on; it was this which baffled all the vigilance of the British cruisers, and nothing could enable them to overcome the obstacles unless a treaty was formed with that country to facilitate the object we wished to attain. With respect to the employment of steam-vessels on the coast of Africa, the mortality on board of them had been found to be so great that the Admiralty did not consider themselves justified in retaining them on that service. It was a singular fact, that the steam-vessel which had been employed there had made fewer captures than any other ship of war on the station. The noble Lord had certainly obtained by his policy a moral influence over the

Spanish Government. The Spanish flag was at present, he believed, unknown on the coast of Africa; the flags of Portugal and Brazil were the only ones which now entered the ports of Cuba with slaves. He hoped the noble Lord would be able to state to the House that his negotiations with the Portuguese Court on this subject were likely to have a satisfactory issue.

Dr. *Lushington* cordially thanked his hon. Friend, the Member for the University of Oxford, for bringing under the notice of the House a subject which had too long been suffered to slumber. The horrors of the slave-trade, as well as the number of its victims, he was satisfied, had been under-stated, rather than exaggerated, by the hon. Baronet. From papers on the table of the House, it appeared that 72,000 slaves were annually imported into Brazil, and about the same number into Cuba, making a total of 144,000 into these countries alone, exclusive of those imported into Texas and Mexico, or bred in the United States. The average height between decks in the ships which conveyed these unfortunate wretches was not more than three feet, and he had seen a letter, written within a year, by the Lieutenant-Governor of the island of Grenada, in which a slave-vessel was mentioned, the between decks of which was only two feet high. For every 100,000 imported, it might be calculated that another 100,000 perished in their journey to the slave-ships on the coast and on the voyage across the Atlantic. His hon. Friend had urged the necessity of declaring the slave-trade piracy, and extending the right of search, in order to its suppression. In this he agreed, but he thought it further essential, that power should be given to punish the master and every one of the crew navigating the ship, though it might not have a single slave on board, if its build and equipment were such as proved it to be destined for the trade. With respect to our relations with the United States on this subject, he had less hope than ever from him who presided over the Government of that country, because he could not forget that every expression which that magistrate had used as to the annexation of Texas to the United States was characterised by the most cold, calculating, and unfeeling spirit, which declared that neither he nor the people of the United States would be moved by any considerations of moral right or human happiness, but by considerations of an inferior kind, which, however important, ought not for a single moment by the head of a Christian State to be put in comparison with the civilisation and happiness of the world. He rejoiced that one of the most illustrious writers of America (Dr. Channing) had come forward to denounce the inhuman traffic in slaves, and the perpetuation of it by the addition of a slave-trading community of the Union. Several proprietors of slaves had also, he was glad to say, protested against that measure, and he trusted their example would be generally followed. Looking, however, to the high character of the British Government, and to the excitement prevailing in some parts of the United States on this subject, he could not but hope, when the people of America saw that we sought for an extended right of search with an honest purpose, and not with the view of giving increased ascendancy to our maritime power, a spirit would arise in that country from which we might expect ultimately to obtain efficient assistance. With respect to the mortality which had occurred in steam vessels on the African coast, he hoped that objection might be obviated by manning them with coloured seamen from the West Indies, whose constitutions and habits were suited to the climate. He thought steam-boats would be particularly useful in watching the numerous mouths of the Niger, so subject to calms of long duration. Some of the native chiefs had shown an inclination to put a stop to the traffic in their territories, and he hoped this disposition would be encouraged. The Sheik of Bournou had stated his anxiety to put an end to the slave traffic, and another chief had also used the same language. To the suggestion which he was about to throw out there might be some objection on the score of difficulty and expense. Might not some port be occupied at the mouth of the Niger, where means might be taken to stop the transport of slaves down the river, and protect the transport of commercial articles up it? It might be said, that such an arrangement would entail upon us considerable expense. It could not be said, that he had not always been influenced by a deep regard for economizing the resources of the people; but he must recollect that this country, to use the eloquent language of Wilberforce, owed a great debt to Africa, for no country had sinned so deeply as Great Britain against the inhabitants of that great continent. We concluded the Assiento contract to obtain a monopoly of the trade. We prevented, in the year 1775, under the administration of Lord Dartmouth, the prohibition of that trade by the United States, which then formed part of our colonial empire. We were also the nation which prolonged the sufferings of the negro race for twenty-five years after the eloquence of Mr. Wilberforce had depicted them in the most affecting colours; and we, therefore, owed a great debt to Africa, and he for one was ready to pay his portion of it, being convinced that it would open sources of traffic to us, and of improvement to Africa, which would repay us more than a thousand-fold.

Sir *C. Adam* subscribed to almost every word which had fallen from his hon. and learned Friend the Member for the Tower Hamlets. He knew from the official documents which came under his own view, that the slaves were crammed into a very small space, and that they remained in that dreadful state of close confinement until they were landed either in the West-India islands or on the continent of South America. He confessed, that it was most desirable that we should put an end to this traffic, and by the employment of steamboats, if that were possible. The first thing to be done, however, was to make such treaties with foreign Powers as would enable us to do what we were desirous to do on this very interesting question. He had not, however, risen for the purpose of saying this, but to correct an error into which his hon. Friend opposite had fallen. He had spoken of the great loss of life which was sustained by our cruisers on the African station; and he was sorry to confirm his hon. Friend on that point. But the loss of life was not so great as his hon. Friend had represented; for he had compressed into three months a loss of life which ought to have been spread over three years.

Viscount *Palmerston* quite concurred with the hon. Gentleman who had preceded him in the debate, in complimenting the hon. Baronet who had brought forward the motion, for the manner, the g od taste, and the judgment with which he had treated the subject; for, undoubtedly, on a question like this, with which party differences had nothing to do, and that it was desirous that the House should come to an unanimous vote, the hon. Baronet had treated it in a manner which was well adapted to accomplish that object. The subject was most interesting, and well deserving of the attention of the House. It had, in the first place, for half a century past, occupied the attention, and interested the feelings, and employed the talents of almost all the distinguished men who had appeared upon the scene of public life in this country. It was a subject which involved, more than any other he had ever heard of, the greatest extent of human crime and of human misery. The hon. Baronet had only done justice, not merely to the present Ministers, but to those who preceded them, from the end of the war down to the present time, in stating, that the Governments of Great Britain had laboured sedulously and sincerely to induce other countries to put down that trade which they had previously put an end to with regard to their own subjects. But the hon. Baronet (Sir R. Inglis) had contended that, notwithstanding the efforts which had been made to put it down, the slave trade continued in existence; and, if anything, was aggravated in the horrors attendant upon it. Now, with regard to the last assertion, he was afraid he must concur with the hon. Baronet, because knowing as he did the manner in which that trade was now carried on—seeing, as he did, from the papers which it was his duty from time to time to lay before the House, the way in which that trade was at present conducted, it was impossible to deny, that the cruelties and horrors connected with it were even of a worse character than any by which it was at a former period marked. He would not compare the present mode of conducting the slave trade with a description of it which he had lately read in Mr. Clarkson's history of the abolition of it. In that work more than one witness of the slave trade was described as deposing that what was called the middle passage was the happiest period in a negro's life. If that were so, then must the other periods of it have been bad indeed. He would, therefore, abstain from taking that passage as a proof of the manner in which the cruelty of the slave trade had increased since it was written. He would content himself with remarking that the space then allowed to the negro on board the slave ship was very different from the space allowed to him at present. When he recollected, that cargoes of negroes were now crammed into places not more than two feet and a half in height, and that hundreds of them were confined during the whole of the passage, not in a space—for space it was not—but in the closest crib which human ingenuity could devise, he could not doubt that the beings so crammed and huddled together did suffer the greatest possible amount of human suffering. He had been told by officers who had captured these slave vessels, that when these unfortunate wretches were dragged from the hold into which they were jammed together, the majority of them were quite unable to stand, and that some of them had become completely paralysed, and never again recovered the use of their limbs. This was, however, only one portion of the cruelty to which they were exposed, for when the slavers were chased, it was not unusual for them to throw the slaves overboard in order to lighten their ships. There was not even mercy in their cruelty, for, instead of throwing the slaves overboard with weights attached to their persons, to sink them immediately, they flung them overboard wedged up in casks, in which they floated long in incredible suffering. He, therefore, concurred in the correctness of his right hon. Friend's assertion, that the cruelties of this infamous traffic had of late years greatly increased. That was, in his opinion, an additional reason why the House and the country should insist on its speedy termination. It was no reason for repenting them of their past exertions; but it ought to serve as a stimulus to excite them to greater exertions in the times that were to come. He differed, however, from his hon. Friend in thinking that the extent of this traffic had increased along with its horrors. If it were to be reckoned in positive quantities, it was quite clear, that that traffic could not be now of the same extent which it would have been if we had not abolished our own slave trade, and if we had not made treaties with foreign powers to engage them to abolish theirs. He did not attach much value to the calculations which had been made of the number of negroes annually carried from the coast of Africa to the West Indies and South America previously to the abolition of the slave trade: but if it were true that previous to our abolition of it the number of negroes annually exported from Africa was only 8,000, let them calculate what number would now have been required to supply the demand in the market both in America and in the West Indies. Baron Humboldt computed the number of negroes there at five millions. Those who knew the great waste of human life which always took place in a state of slavery, and who likewise knew the recklessness of masters in exerting to the utmost the strength of their slaves when conscious that they could at any moment repair the loss of one slave by the purchase of another, must be aware, that if the slave trade had been permitted to all the nations of the world, the number of slaves exported from Africa must have been much greater than it was now, when we had taken steps to prevent the importation of them into our colonies. So well were those steps known that he would not weary the attention of the House by expatiating at all upon them. He thought, however, that the House would like to know the state of our engagements with foreign Powers on this subject, and it was briefly this:—With all those nations of Europe which had once carried on the slave trade we had now, with one solitary exception, treaties, which were quite sufficient for our purpose, whilst with those states which had never carried on the slave trade we had treaties, which would prevent their flag from being used by other subjects than their own to cover their abominable transactions in that traffic. The House would recollect, that at the Congress of Vienna all the great Powers declared, that they were determined to put down the slave trade. With Sweden and with the Netherlands we had formed treaties which had enabled us to establish a mixed commission to adjudicate upon all cases of ships seized on the ground of being engaged in the slave trade. We had recently rendered those treaties more complete by adding to them an equipment article, and an article for breaking up all ships condemned as good prizes, instead of selling them as formerly. For a long time the flag of France was employed in covering the slave trade, and the reason was, that the long war between England and France had created a jealousy between the two countries which prevented them from conceding to each other the mutual right of search. On the accession of the present Government to office, it had made a proposition on this subject to the French Government, which had fortunately overcome its reluctance. We proposed that the search should be made not as a ship of war belonging to either England or to

France, but by virtue of a warrant given by the Admiralty of the one power to the cruiser of the other—so that if an English ship detained a French merchant vessel suspected of dealing in the slave trade, it did so by virtue of a warrant from the French Minister of Marine, and if a French ship detained an English merchant vessel, it did so by a warrant from the Admiralty of England—a plan which made the cruisers of the two Powers mutually special constables to each other for the purpose of suppressing crime, and which got rid of all the national jealousy existing between the two countries. From that time the slave trade under the French flag had disappeared, the French Government had acted with exemplary good faith, and no instance of the continuance of the slave trade in the French West Indian colonies was even suspected. It was an article of that convention that we should propose to the other marine powers to accede thereto. We had, in consequence, made to them that proposition. Denmark, Sardinia, Naples, and the Hanse towns had acceded to it. Our treaties with Sweden and with the Netherlands were to this effect—that there should be a mixed commission to adjudicate on the cases of all ships seized. The French Government said, that according to the principles of the constitution of France, none but French tribunals could adjudicate on the claims of French subjects, and that any offenders on this ground must therefore be handed over to French tribunals. That proposition was agreed to. We proposed the same convention to Austria, Prussia, and Russia,—not that the slave trade had ever been carried on by their flags, but because we knew, that so long as any flag which sailed the ocean was not enlisted against the slave trade it might be employed, and our labours would be ineffectual. Austria, Prussia, and Russia had all declared themselves willing to make treaties with England and France on this subject, and the only cause which had prevented the completion of them was, that we had proposed a more extensive right of search than was given in the convention now existing between England and France; and as we had not yet obtained the assent of the French Government to it, we had not availed ourselves of the willingness of the three Powers to assent to the existing convention. Greece, Belgium, and Hanover, would unite with us in the same object as soon as the three Powers of Austria, Prussia, and Russia had signed the same convention with us that France had done. With the government of Spain we had now a treaty as complete as, under the circumstances, could be expected. We had the same treaty with Spain as that which was consented to by the Netherlands and Sweden. That government granted every thing we asked: more we could not expect. They had agreed to the mixed commission—by far the most convenient mode of adjudicating on such questions—the right of search without limit, except as to the Mediterranean and that part of the Atlantic adjoining Europe; the breaking up article, and the equipment article. He thought it but right and just by the government of Spain to entreat the House to draw a distinction, which had been much overlooked in that night's discussion, between the part taken by Spain and Portugal on this question. Spain had done handsomely every thing we asked. He now spoke of the government of Spain, which had executed its engagements with perfect good faith, though it had not yet proposed in the Cortes as severe a punishment for the party guilty of the offence of slave traffic as might be wished; but when they considered the peculiar circumstances of Spain—that she was now engaged in forming a constitution, that there was a civil war raging in the country, and that there were so many pressing matters to occupy her attention, they ought to make much allowance for the delay which had taken place. An hon. Friend near him reminded him of Cuba. He admitted that when he spoke of the Spanish government doing all in their power to put down the slave trade, he did not mean to include in that praise the Spanish authorities; and this led him to say, that whatever value might be attached to the proposal which the hon. Baronet invited the Queen, by his address, to make to other nations, it would not be in itself sufficient to obtain the object which was contemplated, because the enforcement of such a law as that required must depend on the circumstances of the country in which it was passed. They all knew that *nil prosunt leges sine moribus*. So long as public opinion was not peremptorily pronounced in those countries of whom it was proposed to make this request, we should look in vain for a due execution of the laws passed with regard to it. And when we alluded to this want of moral feeling, which might and must naturally excite great indignation in our minds, yet we should recollect that which was adverted to in this debate, namely, what were the feelings of the English people up to no very distant period—to what an extent we indulged in this crime, and with what pertinacity many persons in this country defended it to the last; and these considerations would teach us to mitigate the indignation which we experienced at the comparative indifference to the horrors of this system exhibited by Spain, Portugal, and many parts of the American continent. He repeated, we had obtained from Spain a complete treaty, and the consequence was, that the slave trade had greatly diminished, though he could not say, it had entirely ceased in their possessions. In Cuba and Porto Rico the flag of Spain was frequently and fraudulently obtained by Portugal to cover her traffic to those islands. Brazil was stated by some to be a great offender. As a recipient of slaves she might be, because the importations from Africa to Brazil were very great; but the trade was not carried on under the flag of Brazil, for an hon. and gallant Friend of his was mistaken in supposing, that we had no treaty with that power. We had with it a treaty complete, except as to the equipment and breaking up articles. There was no limit to the search of a Brazilian ship; she was not protected south of the line like a Portuguese vessel, nor had she the right of saying "We can sail, though equipped for the slave trade." The Government, two years since, concluded a treaty as to equipment and breaking up of vessels with this power; but as, by the constitution, it rested with the Chambers to ratify treaties, and as the interested influence of the slave trade prevailed there, we had not been able to obtain a ratification of the articles concluded between the two governments. He should have said, when on the subject of the convention, that France and England, with other European powers, ratified the proposals then made. He regretted to say, that they did not find in the government of the United States the same willingness to wave national jealousy and national etiquette as was exhibited by France. He greatly regretted this, but he thought, that the time might come, and at no distant period, when a different feeling might prevail in the United States, and when their government and the people of their country would consider it more an honour to unite with the other powers of Christendom in putting down this abominable traffic, than to stand out on a mere question of etiquette, especially when the arrangement was such as entirely to save every point of national honour. He now came to the great offender, Portugal; and he could assure the hon. Baronet that no predilection of his in favour of the system of government now fortunately established in that country, or any degree in which he might have identified himself with the support of that system as contra-distinguished from the tyranny of Don Miguel—no feeling of that kind would he allow to interfere by mitigating, in the slightest degree, the indignation which he felt, in common with the hon. Baronet, on this subject. He must confess, that the slave trade, as it was now carried on under that flag, was a disgrace to any civilised or Christian state. He saw by the papers which were laid on the table, the steps which had been taken by the government of this country to represent strongly to Portugal the necessity of making good her previous engagements, entered into at the cost of an enormous sum of money, and which concluded with an additional treaty for the full completion and execution of those engagements. The case with respect to Portugal was simply this: We had a right to seize, detain, and condemn any Portuguese ship found on the north of the line which had slaves on board, but we had no right to meddle south of the line, even though the ship had slaves on board, and neither north nor south of the line merely on account of being equipped. Now, what we demanded was, first, an extension of the limits, so as to seize slavers any where; and, secondly, that we should be entitled to seize any ship palpably equipped for the traffic; and he must say, that if Portugal should continue to refuse what we had a just right to demand of her, in consequence of having made a treaty in 1817, by which it was admitted, that we were to abstain from interrupting her slave trade only so long as she held any trans-atlantic possessions, and while the traffic was legal in Portugal, whereas Brazil, was now separated from her, and she had herself passed a law to abolish the traffic, and render penal the offence, we were entitled now to demand from Portugal to give her assistance in enforcing that law, and putting down her slave trade in every part of the world. And he did think, that if Portugal should continue to refuse to us that justice, the time must come when it would be incumbent on her Majesty's Government to appeal to Parliament for powers to do ourselves and on our own authority that which Portugal refused to permit us to do by treaty. He trusted we should not be driven to that necessity, painful as it must be to that House; and, indeed, he had reason to hope, from the communications which he had recently received, that the Portuguese government had come to a due sense of its being incumbent on them to redeem their honour by concluding a treaty similar to that which existed between Great Britain and Spain. It had been said, that Sierra Leone was not well adapted for the mixed commission. This matter had been long controverted and much debated. There was no question if a place were selected lying much to the northward of that where the slave ships were captured, much loss of life and inconvenience must result to the slaves taken. Fernando Po, which was in a more favourable situation, had been tried; but the difficulty arose that it was not a British possession, and, therefore, besides the doubt whether a British tribunal could properly sit there, there was this difficulty, that if Spain had a right of sovereignty, it was not fair to those negroes, whose title to permanent liberty we professed to acknowledge, that we should not secure to them the protection of the British crown. He did not believe, that there was now so much mismanagement as had been stated on the part of the authorities of Sierra Leone. He believed, that the liberated negroes did maintain themselves, and had been encouraged to resort to industry of various kinds; and it was only within the last few days that he received accounts that the neighbouring negroes brought in their produce for the purposes of commerce, and that a prospect was held out of a commercial intercourse between us and them, susceptible of a great and rapid increase. His gallant Friend (Captain Pechell) had referred to some remarks which had been made on the system of giving bounties on the capture of slave ships. The returns on the table completely exonerated British officers from the charge of being influenced by pecuniary considerations in their efforts to put down the slave trade. If any man could for a moment believe that honourable-minded men, like the officers of her Majesty's navy, could be swayed by such motives, he would find how utterly unmerited was the imputation by referring to the returns in question. It would from them be seen that, with respect to Spanish slave vessels, the greater portion of those seized were seized without having slaves on board. He must, however, say that, considering the great sufferings and dangers the officers employed on the coast of Africa had to undergo, the giving of head money was but a fair reward for their services. He fully agreed with the hon. Baronet opposite that it would be most desirable to get the general declaration of all Christendom in favour of the suppression of the slave trade. They had now got such a declaration from all the powers of Europe save Portugal, and that power, it was to be hoped, would not long form an exception. He owned, however, he had to fear, that as soon as they should succeed in putting down the slave trade in all other places, those engaged in it would attempt to carry it on under the protection of the United States flag, but still he could not believe but that if such an attempt were made, the government and the great majority of the people of the United States would rise to the rescue of their national flag from so great a degradation. He fully agreed with the hon. Baronet as to the two remedies he suggested for putting down the trade, but he, at the same time, was of opinion that the surest means of putting a stop to it was that stated by his hon. and learned Friend near him, namely, the encouragement by all the Powers of Europe of a peaceful and lawful trade for the inhabitants of Africa. He should concur in supporting the motion of the hon. Baronet, and he trusted, that night's expression of the opinion of the House of Commons—unanimous as it would be—carried up to the Throne, and by the Throne conveyed to the various powers of the world, could not fail to have a material effect in accomplishing the object which the hon. Baronet had, with so much credit to himself, brought under the consideration of Parliament.

Sir *S. Canning* congratulated the hon. Baronet on the manner in which his motion had been received; for it was painful to reflect, after all that had been done by this country, that the evil of slavery still continued. Though he had listened with great satisfaction to the general statement of the noble Lord opposite, yet there were some points in that statement which he regretted. He fully concurred in what the noble Lord had said with respect to Portugal, and he trusted that the expression of an unanimous opinion of that House, in conjunction with the sentiments which had been expressed by the noble Lord, which he was convinced were also the sentiments of her Majesty's Government, would have the very best effect upon the Government of Portugal. He was glad to find, that the noble Lord viewed with satisfaction the intentions of the Government of Spain in regard to the slave trade, and that his communications with that country afforded evidence of the desire of Spain to terminate such an abominable traffic. The legislature of Spain had consented to the abolition of the slave trade, and it was now to the Government of that country that the Government of England had to look for the execution of the acts of the Spanish legislature. He believed the noble Lord had only paid a just tribute to the French Government in what he had stated as to the intentions of that country on this important question, and he trusted, that the example of France and England would have the effect of uniting the whole of Europe in opposition to the inhuman traffic in slaves. He was sorry to find from the noble Lord that no steps had been taken in the United States with respect to the right of search. He himself had once been engaged in a negotiation with the Government of that country respecting the right of search, and it was probable that the treaty then framed might still be found in the noble Lord's office. If that treaty were found it might possibly lead to beneficial results, and in conjunction with the influence of France and England induce the United States Government to reconsider the whole subject, as by that treaty the right of search was recognized by the American Government. The treaty had not been signed only on account of some proceedings on the part of the American Senate, but all the preliminary had been gone through. He would not longer detain the House, but he did trust, that the present discussion would not pass away without fruits, and that the opinion of that House, carried to the foot of the throne, and made known throughout Europe, would be productive of the most beneficial results.

Sir *T. Acland* rose to congratulate his hon. Friend (Sir R. Inglis) on the result of that night's debate, and to express the satisfaction which he felt at the sentiments which had been expressed by the noble Lord opposite on the part of her Majesty's Government. He regretted the line of conduct pursued by Portugal, and, if it were persisted in, he trusted, for the sake of the interests of humanity and the honour of England, that the Government would come down to that House, and ask for the means of enforcing the fulfilment of the treaties which had been entered into. He begged hon. Members to remember they had not yet accomplished their object, and the present proceeding was only the beginning of the last and most important step for the abolition of the slave traffic, and they were only now recording their determination to see it put an end to. It was their duty not to relax their efforts till they had fully attained their object, and he was sure the country would hail with satisfaction the proceedings of that evening.

Sir *R. Inglis* thanked the House for the attention which they had given to this important question, and he would not trespass further on their time at so late an hour by adding a single observation to those he had already advanced.

Motion carried—address to be presented by Members of the House being Privy Councillors.

HOUSE OF LORDS,

Friday, May 11, 1838.

Minutes.] Bill.—Read a first time:—Regency Act Repeal.

Petitions presented. By Lord Poltimore, several, by the Duke of Richmond, several, and by Lord Lyndhurst, several, from places in Northumberland, Cumberland, and Lancashire, for the immediate abolition of Negro Apprenticeship.—By the Earl of Bandon, from the county of Cork, for a settlement of the Tithe question.—By Viscount Lorton, from the Grand Jury of the county of Antrim, and by the Marquess of Clanricarde, from Dublin, against the Irish Poor-Relief Bill.

British Auxiliary Legion.] The Earl of *Aberdeen*, in rising to bring forward the motion of which he had given notice, said, it was not without some surprise, that he first read the letter to which he now requested the attention of the noble Viscount and of the House. He confessed, he did not fully comprehend, and he was not sure that he yet fully comprehended, the entire scope and extent of this communication; but the letter to which he referred, and which was addressed to Colonel Shaw, of the Auxiliary Legion, and signed by Mr. Backhouse, the Under-Secretary of State for the Foreign Department, was as follows;—

"Foreign-office, May 4.

"Sir,—I am directed by Viscount Palmerston to acknowledge the receipt of your letter of the 30th ult., requesting, as Chairman of a Committee of Officers of the late British Auxiliary Legion, and for the reason stated in your letter, that his Lordship will move her Majesty's Government to take upon themselves the payment of the claims of the Legion against the Spanish Government; and I am to acquaint you that Lord Palmerston has transmitted your representation for the consideration of the Lords Commissioners of her Majesty's Treasury. "J. BACKHOUSE."

He said, he was not sure that he understood the full extent of that communication. Some time ago he had the honour to hold the seals of the Foreign Office for nearly three years. During that period it was possible he might have made recommendations to the Treasury, which his noble Friend, the noble Duke near him, then the head of his Majesty's Government, might, from the regard he always paid to the economizing of the public revenue, have thought it his duty to refuse. But, for his own part, he should not have made a representation like that which he had just read to the House, unless he had conceived that his noble Friend would receive it as readily as he made it. It was possible that all this system had been changed since he had left office. It was said, that the Members of her Majesty's Government differed in opinion on several questions, and this might, perhaps, be one of the questions on which they differed. He should be happy if it were so. He was, however, bound, in the meantime, to conclude that the noble Viscount had assented to this recommendation before it was made. If such were the case, and if the noble Viscount were prepared to take on himself the payment of so large a sum as 260,000*l.* or 270,000*l.*, he would venture to suggest, that it was a most serious affair. It would be establishing a precedent which—[Viscount *Melbourne*: I have no such intention.] All, then, that he had to say was, that if this annunciation were not made with the recommendation of her Majesty's Government, it was a step of an unparalleled and unprecedented nature, so far as it applied to those unfortunate individuals, for it had been intended to hold a public meeting to press their claims, and that public meeting had been suspended in consequence of this communication from the Foreign-office. It was clear that whatever was the intention of the noble Viscount, his noble Friend, the Secretary of State for Foreign Affairs, had recommended their claims to the consideration of the Treasury. As he had brought this subject under their Lordships' notice, it might not be unfitting for him to make a few further observations on it, especially as it was connected with another matter of a similar description. He admitted, that it was the duty of Government to use all its endeavours to secure the payment of these claims from the Spanish Government, and that everything which depended on the good offices of the British Government with the Spanish Government, should be done in behalf of the officers and soldiers of the Legion, but nothing more. Beyond that, he did not consider that they had any claims more than other British adventurers who had entered into engagements with a Government so notoriously unfaithful as that of Spain. What induced him, after the answer he had received from the noble Viscount, still to press this question was this—there was another set of claims of British subjects which had been postponed for the sake of the claims of these officers and soldiers. Those claims had a stronger right to the noble Viscount's intercession with the Spanish Government, than any other claims whatsoever. He alluded to the claims under a treaty which, ten years ago, he had himself negotiated with Count Ofalia, then, as now, at the head of the Spanish Government, on behalf of certain British subjects. They had compounded their claims for a specific sum, two-thirds of which was to be payable at once, and a third in bonds, with interest thereon, payable in London. 300,000*l.* was to be paid in bonds, and 600,000*l.* in money. That treaty was embodied in an Act of Parliament, and was to be carried into effect under an Act of Parliament, and the honour of England required, that it should be duly executed. The payment of interest on those bonds had, for some time, entirely ceased, and the claimants under that treaty had claims on the good faith of the Spanish Government ten thousand times stronger than those of any private speculators. Having received from the noble Lord an answer that it was not his intention to act on the recommendations of his excellent friend, Mr. Backhouse, he would not press that question further. He must, however, press on the noble Lord the propriety of attending to his recommendation to interfere with all the energies of the British Government on behalf of those claimants under this treaty. He had intended to ask the noble Lord, whether the letter of Mr. Backhouse had met with his approbation; but after the intimation of the noble Lord, he deemed it unnecessary.

Viscount *Melbourne* said, that although he had already answered the question which the noble Earl intended to put to him as to the intention of her Majesty's Government in regard to the claims of the legion against the Spanish Government, he must beg to observe, that, as it appeared to him, the whole of the error into which the noble Earl had fallen, and the whole difference which existed between him and the noble Earl on the subject, arose from the noble Earl having construed a promise to refer a certain matter to the Treasury, into a recommendation from his noble Friend the Secretary for Foreign Affairs to the Treasury on the subject. The letter which the noble Earl had read contained no word of recommendation; it simply submitted the matter to the consideration of the Lords of the Treasury. Undoubtedly, his noble Friend the Secretary for Foreign Affairs, when an application was made to him, not of justice but of compassion and favour, thought it fitting, it being a question of money, that the application should receive an answer from the financial department of the Government, and therefore it was, that he submitted this application to the Lords of the Treasury. So far from any difference of opinion existing between his noble Friend and any Members of her Majesty's Government on this subject, the opinion of his noble Friend and the Treasury had always been the same upon it. The persons who made this application, as they were well aware that the contracts which they had entered into they had made with the Spanish Government, so to the Spanish Government alone they had a right to look for payment of their demands; and although they had undoubtedly a right, which any persons having a claim against a foreign Government had, to claim the interposition and good offices of the British Government, with a view to the enforcement of those demands, they were in no respect entitled to look or call upon her Majesty's Government in the light of a guarantee between them and the Spanish Government, with whom, and with whom alone, they contracted, and to whom alone were they to look for payment of their demands. With respect to the other matter touched upon by the noble Earl, he quite agreed that the claimants under the convention of 1828 had a right to call upon the British Government to enforce against the Spanish Government if necessary, the fulfilment of their engagements. But all this was a matter of prudence and discretion, and we should look to the state and condition of the Government against whom we were to act, as well as to those whose interests we were to protect. Now, with respect to these particular claims, every exertion had been made by the Government of England to induce the Spanish Government to fulfil its engagements. He believed, that although there might be some of the bondholders who were suffering from want of means in consequence of non-payment, those who represented the interests of the great body of these claimants were themselves perfectly satisfied that every exertion had been made which the circumstances would admit of, to obtain for them what they were entitled to.

The Duke of *Wellington* said, it was quite impossible to view this question on any other than public grounds; and whan he saw the letter which the noble Earl had read to the House, it certainly struck him that a great imprudence had been committed; because, if these demands were to be taken into consideration with a view to their liquidation by her Majesty's Government, it would be opening the door to claims of this kind quite beyond all possibility of satisfying. It was quite true, that the Secretary for the Foreign Department might, if he saw fit, make an application of this kind to the Treasury; but it was not because the letter had been written to the Treasury, but because it had been published by the Foreign-office, that he found fault. This made the matter a very serious affair, by tending to show that there existed a difference of opinion between the heads of two departments of her Majesty's Government upon a question so important as the present. The noble Viscount would recollect, perhaps, that last year he had warned him of the danger of having anything to do with any bargains of this description.

The Marquess of *Londonderry* inquired of the noble Viscount whether any answer had been sent by the Lords of the Treasury to the communication from the Foreign-office on the subject of these claims.

Viscount *Melbourne* said, he believed no answer had been sent to it, except an acknowledgement of its having been received. With respect to the publication of the letter, that had not been done, he believed, by the Foreign-office, but by those to whom it was addressed.

The Earl of *Ripon* thought, that as these unfortunate individuals had no claim against the British Government it would have been but right on the part of her Majesty's Government to put them out of suspense with as little delay as possible. Yet the only answer which it appeared the communication from the Foreign-office had received was an acknowledgement of its receipt; and it was only through the present discussion on the subject in this House that the unfortunate individuals who were interested in the result would hear that they had no chance nor claim whatever. He thought that the Secretary of State ought to have told them that they had no chance at once, in the first instance.

Conversation dropped.

HOUSE OF COMMONS,

Friday, May 11, 1838.

Minutes.] Bills. Read a second time:—International Copyright; Suitors Money; Sheriffs' Courts (England). Read a third time:—Sheriffs' Court (Scotland).

Petitions presented. By Mr. Goulburn, from a place in Essex, and from the Dean and Chapter of Ely, by Sir G. Crewe, from a place in Derbyshire, and by Sir J. Tyrrel, from various parishes in Essex, praying that the revenues of the Church might be applied to strictly Ecclesiastical purposes.—By Sir G. Strickland, nine, by Mr. Brotherton, several, by Mr. Beamish, from Bandon, by Mr. Easthope, five, from various Congregations of Dissenters in Leicester, one from Nutshalling, and one from Hitching, by Mr. Baines, from Berwick-on-Tweed, by Lord F. Egerton, from Manchester, by Mr. G. W. Wood, from places in Westmorland, by Mr. C. Lushington, several from Stirlingshire, Hampshire, Ipswich, Framlingham, Wickham Market, and other places in Suffolk, and by Mr. Villiers, from places in the county of Stafford, for the Immediate Abolition of Slavery.—By Mr. Baines, from the West Riding of Yorkshire, by Sir G. Strickland, from certain inhabitants of Yorkshire, and by Mr. Wallace, from Greenock, for alterations in the Factories Act.—By Sir H. Vivian, from Cornwall, praying that persons holding Tenements of the value of 4*l.* should be subjected to Local Rates, without having any discretion vested in the Overseers.—By Mr. Ingham, from Seamen connected with the port of Tyne, against the Registration of Seamen's Bill.—By Colonel Conolly, from the county of Donegal, against the system of National Education (Ireland).—By Mr. Wallace, from the Operatives of Greenock, against the Factories Bill; from Shipowners of Edinburgh, against allowing incompetent persons to be Masters of Merchantmen; and from the Professional Gentlemen of Cupar, in favour of the Bills introduced by the Lord Advocate.—By Lord Francis Egerton, from certain Authors, in favour of the Copyright Bill.—By Mr. Gillon, from the United Secession Congregations of West Linton, Cupar, Angus, Greenlaw, Pathstonie, Holm of Balfron, Braehead (parish of Conwath), Airth (Stirlingshire), Rattrey, Cambristhan, Old Mildrum, Abernethy, Newmiln, Greenloaning, Horndean (Berwickshire), Minghive, Deering, Lethendy, Auchtergaven, a parish in Northumberland, from the Relief Congregations of Eccles, St. Ninian's, Auchtergaven, Perth, and Newlands, from the Inhabitants of Banwickham, and Patmouk, from the Ayrshire Voluntary Church Association, from the Dissenters of Kilmarns and others, and from the Dissenters of Biggan and others, and by Mr. Procter, from Protestant Dissenters of the Borough of Leicester, against any further Endowment of the Church of Scotland.—By Mr. Easthope, from certain Printers in Fleet-street, against the proposed Copyright Bill; and from Leicester, against the Corn-laws.—By Sir H. Hardinge, from Launceston, against the Grant to Maynooth.--By Mr. Thornely, from Stoke Ferry, and from eleven other places in Norfolk, and from the Members of the Brougham Institute of Liverpool, and by Mr. Wallace, three, from different places, for Mr. R. Hill's plan of Post-office reform.—By Lord C. Manners, from the Clergy of the Archdeaconry of Leicester, against clauses in the Church Pluralities Bill.—By Colonel Butler, from a place in the Queen's county, for the total Abolition of Tithes, Corporate Reform, and Vote by Ballot.

Union Workhouses.] Sir *J. Graham* wished, before the Budget was brought forward, to call the attention of the Government to a matter of some importance connected with the enlargement and improvement of the several Workhouses throughout England and Wales. He believed it was the general impression that much of the success of the Poor-law Amendment Act depended upon every facility being given for the erection of workhouses. The Government, in the first instance, arranged that the sums to be lent the Unions for the purpose of building workhouses should be repaid within ten years from the period the advance was made; but, subsequently, on several representations being made that this time was too short, and that it was expedient to give the Unions every facility, it was extended to twenty-one years. He was informed, within the last few days, that very recently applications had been made from various Unions for advances, in conformity with the Act of last session, but it would appear those advances were refused, on the ground that there was no further sum available for the purposes of such works. Now, before the budget was brought on, he was anxious to direct attention to this matter, and he did so in the hope that some arrangement might be made for continuing to the Unions the assistance they required.

Lord *J. Russell* had to observe, that the advances already made to the Poor-law Unions, for the erection of workhouses, very much exceeded the sum set apart for that purpose by Lord Althorp.

BENEFICES PLURALITIES BILL.] The House resolved itself into Committee on the Benefices Pluralities Bill. On the 68th Clause, empowering the bishop, where he had reason to believe that the duties of a benefice were inadequately performed, or where there was more than one church or chapel belonging to a benefice, to require the appointment of a curate, having been read,

Mr. *Goulburn* objected to the power. There were many cases in which a clergyman possessing a benefice was able to perform the duties of two churches or chapels; and it would be hard to compel him to appoint a curate at the sacrifice of a fourth of his income.

Lord *John Russell* did not think the clause would work any of the evil which the right hon. Gentleman apprehended from it. It merely gave to the bishop the power of requiring the appointment of a curate. Where the duties were adequately performed, it was not probable that the power would be exercised; but, although one clergyman might be assiduous in the discharge of his duties, he might have a successor of a different character.

Lord *Stanley* also supported the clause, as power was given to the bishop to exempt parishes, in case he thought fit, from the celebration of two full services on every Sunday.

Sir *R. Inglis* objected to the clause, because it was a Parliamentary interference with the regulations of the Church, which would not be tolerated by any Roman Catholic, Baptist, or Independent congregation. He concurred in the opinion, that the subject ought to be left to the discretion of the ecclesiastical authorities.

Colonel *Sibthorp* remarked, that in some parishes, during the winter, if two sermons were preached, there would be no one to hear the second sermon but the preacher himself, the clerk, and perhaps the sexton.

Mr. *Milnes* was of opinion that the most important part of a clergyman's duty was that of preparing his parishioners to join with advantage in the observances of the Sabbath, and not of preaching sermons. He admitted that sermons were very attractive, but they should recollect that clergymen of a great age would not be able to preach two sermons in a day, as preaching was often painful to the lungs. Besides, he did not think that such a regulation could be enforced. He recollected an instance where a clergyman who held two small livings near one another was in the habit of preaching a sermon at one of them, and reading the evening service of the Church at the other. The Archbishop of Canterbury remonstrated with the incumbent, and told him that he ought to preach a sermon at both churches, and when he was at last forced to comply with the mandate, he used to boast that he had jockied the Archbishop, and that he used to preach one half of his sermon at the one church in the morning, and the other half at the other in the afternoon.

Mr. *Goulburn* said, that as the opinion of the House seemed not to be in accordance with his own, he did not wish to put hon. Members to the trouble of dividing, though he still retained his own opinion.

Amendment withdrawn. The clause agreed to.

On Clause 94 (licences to curates and revocations thereof to be entered in the registry of the diocese) being read,

Sir *R. Inglis* objected to the registrar being entitled to receive from the incumbent of a benefice ten shillings for every copy of the grant of a licence or revocation to a curate. He should move an amendment to this part of the clause.

Lord *John Russell* said, that if the fee was not paid by the incumbent it must be paid out of the church-rates, to which he most strongly objected.

Sir *E. Sugden* suggested, that the fee be reduced to two shillings.

The Committee divided on Sir Robert Inglis's amendment: Ayes 47; Noes 49: Majority 2.

List of the AYES.

Bagge, W.
Bailey, J.
Blennerhassett, A.
Bolling, W.
Bramston, T. W.
Broadley, H.
Bruges, W. H. L.
Burroughes, H. N.
Clerk, Sir G.
Cole, Viscount
Courtenay, P.
Darby, G.
East, J. B.
Egerton, Sir P.
Ellis, J.
Estcourt, T. G. B.
Fellowes, E.
Filmer, Sir Edmund
Freshfield, J.
Goulburn, H.
Grimsditch, T.
Halford, H.
Heathcote, Sir W.
Hepburn, Sir T. B.
Hodgson, R.
Hope, G. W.
Hughes, W. B.
Kemble, H.

Law, hon. C. E.
Lygon, hon. General
Mackenzie, T.
Marsland, T.
Moneypenny, T. G.
Mordaunt, Sir J.
Morgan, C. M. R.
O'Neill, hon. J. B. R.
Pusey, P.
Rickford, W.
Rose, rt. hon. Sir G.
Round, J.
Sibthorp, Colonel
Sugden, rt. hn. Sir E.
Vere, Sir C. B.
Vernon, G. H.
Wood, T.
Young, Sir W.

TELLERS.

Inglis, Sir R. H.
Nicholl, —

List of the NOES.

Abercromby, hn. G. R.
Adam, Admiral
Aglionby, H. A.
Attwood, T.
Bannerman, A.
Beamish, F. B.
Berkeley, hon. H.
Briscoe, J. I.
Brocklehurst, J.
Bulwer, E. L.
Collier, J.
Craig, W. G.
Dalmeney, Lord
Evans, Sir De L.
Evans, G.
Evans, W.
Fergusson, rt. hon. R. Cutlar
Hastie, A.
Hawes, B.
Hobhouse, right hon. Sir J.
Howick, Visct.
Lefevre, C. S.
Lushington, C.
Macleod, R.
Maule, hon. F.
Morris, D.
Palmer, C. F.
Parker, J.
Pechell, Captain
Philips, Mark
Rice, E. R.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Russell, Lord John
Salwey, Colonel
Seymour, Lord
Stanley, W. O.
Stansfield, W. R. C.
Stuart, Lord J.
Style, Sir C.
Tancred, H. W.
Thomson, right hon. C. P.
Thornley, T.
Turner, E.
Turner, W.
Williams, W.
Williams, W. A.
Winnington, T. E.
Wood, G. W.

TELLERS.

Labouchere, H.
Smith, V.

Clause agreed to.

On Clause 22, a postponed clause, embodying the enactment of the 57th George 3rd, cap. 99, which restrains spiritual persons from entering into any trade or dealing,

Mr. *Courtenay* moved an amendment, to strike out so much of the clause as rendered void bargains made by spiritual persons engaged in trade, and adding to the clause a proviso exempting from the operation of the Bill such cases of trading or dealing on the part of clergymen as shall be carried on by or on behalf of any number of partners exceeding six, or where any trade or dealing, or share in any trade or dealing, devolves on spiritual persons by demise, bequest, settlement, marriage, bankruptcy, or insolvency, The hon. and learned Member put several hypothetical cases in illustration of the hardships to which clergymen were exposed by the present law, as embodied in the proposed clause, and stated, that his amendment had been framed after great deliberation, and with the assistance of eminent legal authorities.

Mr. *Law* submitted to the House, whether it would be worth while, merely for the purpose of preventing clergymen from unjustly engaging in secular pursuits—a supposition which he did not think they were fully justified in entertaining—to enact a prohibition which could only have its operation in a few unimportant instances, while, by vitiating contracts of companies of which clergymen might happen to be members, it would place in jeopardy the commercial interests of the country. If the noble Lord was determined to maintain the clause, he would support the amendment of his hon. Friend.

Sir *E. Sugden* admitted, that the clause had been introduced with a good object, but did not think that that object would be attained by the clause as it stood at present. He felt, that it should be qualified, and with all deference to his hon. Friend who had moved the amendment, and without wishing to impose upon the noble Lord his (Sir E. Sugden's) view of the subject, he would, upon the third reading of the Bill, propose a clause having the same object as the present one, but in a modified shape.

Amendment negatived. Clause agreed to.

Colonel *Sibthorp* rose, to move a clause of which he had given notice, to the effect, that the widow or representative of a deceased incumbent should have the power of residing, free of all charges, &c., in the glebe-house, and keeping possession of such land as might have been in the actual occupation of the incumbent at his death, not exceeding ten acres, for the space of three months. The period might be less if the House thought proper, but possession for some time should undoubtedly be granted, to afford to the widow of an incumbent time to settle herself elsewhere. The hon. and gallant Officer mentioned an instance of a patron having held out threats against an incumbent who disobliged him, which he carried into effect upon the incumbent's death by immediately dispossessing his widow and family of their place of residence.

Sir *C. Burrell* supported the clause, and thought it expedient and just, that some provision should be made for the widows of clergymen.

The Committee divided:—Ayes 36; Noes 95: Majority 59.

List of the AYES.

Bagge, W.
Bailey, J. jun.
Blackstone, W. S.
Broadley, H.
Brownrigg, S.
Bruges, W. H. L.
Burrell, Sir C.
Canning, rt. hn. Sir S.
Cole, Viscount
Colquhoun, J. C.
Copeland, Alderman
De Horsey, S. H.
D'Israeli, B.
Eaton, J.
Estcourt, T.
Freshfield, J. W.
Grimsditch, T.
Hodgson, R.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Marsland, T.
Meynell, Captain
Monypenny, T. G.
Morgan, C. M. R.
Morris, D.
Perceval, Colonel
Pusey, P.
Sinclair, Sir G.
Somerset, Lord G.
Stewart, J.
Talfourd, Sergeant
Vere, Sir C. B.
Williams, W.
Wood, G. W.
Young, Sir W.

TELLERS.
Clerk, Sir G.
Sibthorp, Colonel

List of the NOES.

Abercromby, hn. G.R.
Adam, Admiral
Aglionby, H. A.
Baines, E.
Beamish, F. B.
Bentinck, Lord G.
Berkeley, hon. H.
Blair, J.
Bramston, T. W.
Brocklehurst, J.
Brotherton, J.
Bryan, G.
Bulwer, E. L.
Burroughes, H. N.
Campbell, Sir J.
Chetwynd, Major
Childers, J. W.
Courtenay, P.
Craig, W. G.
Darby, G.
Davies, Colonel
Dennistoun, J.
Douglas, Sir C. E.
Dundas, C. W. D.
Dundas, Captain D.
Egerton Sir P.
Elliot, hon. J. E.
Evans, Sir De Lacy
Evans, W.
Ferguson, right hon. R. C.
Filmer, Sir E.
Gillon, W. D.
Goulburn, rt. hon. H.
Greene, T.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, rt.hn. Sir J.
Hobhouse, T. B.
Holmes, W.
Hope, G. W.
Houstoun, George
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hutt, W.
Inglis, Sir R. H.
Johnstone, H.
Kemble, Henry
Law, hon. C. E.
Lefevre, C. S.
Lockhart, A. M.
Lowther, J. H.
Macleod, R.
Marsland, H.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Murray, rt. hon. J. H.
Palmer, C. F.
Palmerston, Viscount
Pechell, Captain
Perceval, hon. G. J.
Philips, M.
Phillpotts, J.
Pringle, A.
Protheroe, E.
Rice, rt. hon. T. S.
Richards, R.
Rolleston, L.
Rose, rt. hon. Sir G.
Russell, Lord John
Salwey, Colonel
Scholefield, J.
Seale, Colonel
Smith, R. V.
Stansfield, W. R. C.
Steuart, R.
Stuart, H.
Strickland, Sir G.
Style, Sir C.
Thomson, rt. hn. C. P.
Thornely, T.
Townley, R. G.
Verney, Sir H.
Vivian, right hon. Sir R. H.
Waddington, H. S.
Wallace, R.
White, A.
White, S.
Williams, W. A.
Winnington, T. E.
Winnington, H. J.
Wood, T.

TELLERS.
Parker, J.
Solicitor-General, the

Clause rejected. The House resumed. Report to be received.

SCHOOLS (SCOTLAND).] The Chancellor of the Exchequer moved the second reading of the Schools (Scotland) Bill.

Mr. *Wallace* moved an amendment—"That a Select Committee be appointed to inquire into the system and management of Parochial Schools in Scotland, and to report before a grant of public money is made for the endowment of additional schools." He was induced to make this motion as the existing system required many alterations and improvements.

The *Chancellor of the Exchequer* thought, the hon. Member would have been convinced of the necessity of this measure, if the hon. Member had had an opportunity of hearing the statements of the deputation which had pressed the subject on his attention, composed of gentlemen from all parts of Scotland. He had been asked to place the schools which it was proposed to establish by this Bill under the regulation of the General Assembly, but he preferred abiding by the old Scottish parochial system. It was true, that that system was defective in many particulars; he believed, that was admitted by all parties. A good normal seminary for the instruction of the masters of parochial schools was much wanted in Scotland, and it was also to be wished, that the school-books used should be published at a cheaper rate. As to the permanent appointment of the masters, he thought such a system very inexpedient, particularly where the persons selected belonged to the humbler classes. But he could not allude to the system without acknowledging the benefits which it had conferred on Scotland. It had given to that part of the empire a great ascendancy as regarded education. He could not consent to any motion which might involve a principle adverse to that on which the Scottish parochial system of education was founded, and therefore he objected to the proposition of the hon. Member. He did not ask hon. Gentlemen, in agreeing to the second reading of this bill, to affirm the principle of the parochial system of Scotland in all its parts; but what he wanted was, an extension of that system, so that what was adopted in one part of a parish might be also followed in every other part of it. On that ground, therefore, he trusted the House would not object to the second reading.

Mr. *Gillon* was opposed to the bill, and would move, that it be read a second time that day six months, for he could not consent to the principle which would be affirmed if they proceeded with the second reading at once. He objected to any grant of public money being made in aid of a system so defective as that of the parochial system of Scotland. If any grant were made, the most desirable mode would be, to leave it to the management of the Treasury, or of a board, which might be easily appointed, at Edinburgh; and if that were done, the Chancellor of the Exchequer would satisfy all parties in Scotland.

Mr. *Colquhoun* admitted, that the parochial system was as bad as it had been described to be, but that only rendered it more necessary that the same measure of justice which had been given to England should be dealt out to Scotland with respect to the subject of education. He complained, that although a sum of 6,000*l.* had been granted in the year 1836, and had been declared from the Throne in 1837 to have been paid for the endowment of forty-one schools in the Highlands, yet no such sum had been really appropriated to this purpose. He considered, that the present Bill was the only means of securing the object in view.

The *Chancellor of the Exchequer* explained by saying, that they intended to have applied to the Church Commission, which had been appointed to superintend the building of churches in these forty-one parishes, for information on this subject, as to the best mode of establishing those schools, but, at that time, the Commission had ceased to exist, and it had been since proposed to found schools of a different kind. He had introduced this Bill in redemption of his pledge to do all in his power for the establishment and maintenance of education in Scotland.

Mr. *Langdale* said, that there was a number of districts in the Highlands and Western Isles of Scotland, in which a majority of the inhabitants were Catholics. In the isle of Barra, of which the population was 13,000 souls, there were not more than 150 Protestants. He therefore now gave notice, that if this Bill should pass a second reading, he would, when it went into Committee, propose a clause, that in the schools of all large parishes, where a majority of the inhabitants did not belong to the Church of Scotland, the children should not be compelled to learn the catechism of that Church.

Sir *G. Clerk* said, that perfect freedom existed on this point already in Scotland, and that, whenever the parents of a child expressed a wish to that effect, he was not obliged to learn the assembly catechism.

Mr. *Wallace* withdrew his amendment, on the understanding that the Chancellor of the Exchequer would grant a Committee on the subject.

Mr. *Gillon* moved as an amendment that the bill be read a second time that day six months.

The House divided on the original question—Ayes 79; Noes 12:—Majority 67.

List of the AYES.

Abercromby, hon. G. R.
Adam, Admiral
Alsager, Captain
Bagge, W.
Bailey, J.
Beamish, F. B.
Bentinck, Lord G.
Blackstone, W. S.
Blair, J.
Brotherton, J.
Bruges, W. H. L.
Burroughes, H. N.
Clerk, Sir G.
Cole, Lord Visct.
Colquhoun, J. C.
Craig, W. C.
Darby, G.
Davies, Col.
De Horsey, S. H.
Douglas, Sir C. E.
Dundas, Capt. D.
Egerton, Sir P.
Elliot, hon. J. E.
Evans, Sir De L.
Fergusson, rt. hn. C.
Filmer, Sir E.
Gaskell, Jas. Milnes
Glynne, Sir S. R.
Gordon, R.
Grimsditch, T.
Hepburn, Sir T. B.
Hinde, J. H.
Hodgson, R.
Holmes, W.
Hope, G. W.
Houstoun, G.
Hughes, W. B.
Hutt, W.
Ingham, R.
Inglis, Sir R. H.
Johnstone, H.
Kemble, H.
Lockhart, A. M.
Lowther, J. H.
Mackenzie, T.
Mackenzie, W. F.
Macleod, R.
Martin, J.
Melgund, Lord Visct.
Meynell, Captain
Miles, P. W. S.
Morgan, C. M. R.
Morpeth, Lord Visct.
Morris, D.
Murray, rt. hn. J. A.
Parker, J.
Perceval, Colonel
Perceval, hon. G. J.
Pringle, A.
Protheroe, E.
Pusey, P.
Rice, rt. hn. T. S.
Richards, R.
Rolfe, Sir R. M.
Rose, rt. hn. Sir G.
Round, C. G.

Rushbrooke, Colonel
Sheppard, T.
Sinclair, Sir G.
Style, Sir C.
Talfourd, Mr. Serg.
Trevor, hon. G. R.
Vivian, rt. hn. Sir R.
Waddington, H. S.
Williams, W.
Williams, W. A.
Winnington, H. J.
Young, Sir W.

TELLERS.

Maule, F.
Steuart, R.

List of the Noes.

Aglionby, H. A.
Baines, E.
Dundas, C. W. D.
Howard, P. H.
Langdale, hon. C.
Marsland, H.
Pechell, Capt.
Philips, M.
Salwey, Colonel
Scholefield, J.
Strickland, Sir G.
Vigors, N. A.

TELLERS.

Gillon, Mr.
Dennistoun, J.

Bill read a second time.

Freemen's Admission Bill.] Mr. *W. Williams* (Coventry) moved the second reading of the Freemen's Admission Bill.

The House divided—Ayes 55; Noes 30: Majority 23.

List of the Ayes.

Alsager, Captain
Bagge, William
Bailey, J.
Bentinck, Lord G.
Blackstone, W. S.
Blair, J.
Bruges, W. H. L.
Burroughes, H. N.
Clerk, Sir G.
Cole, hon. A. H.
Darby, G.
Davies, Colonel
De Horsey, S. H.
Douglas, Sir C. E.
Dunbar, G.
Egerton, Sir P.
Filmer, Sir E.
Gaskell, Jas. Milnes
Glynne, Sir S. R.
Grimsditch, T.
Hepburn, Sir T. B.
Hinde, J. H.
Hodgson, R.
Hope, G. W.
Houstoun, G.
Howard, P. H.
Hughes, W. B.
Inglis, Sir R. H.
Johnstone, H.
Kelly, F.
Kemble, H.
Lockhart, A. M.
Lowther, J. H.
Mackenzie, T.
Mackenzie, W. F.
Meynell, Captain
Miles, P. W. S.
Morris, D.
Perceval, Colonel
Perceval, hon. G. J.
Pringle, A.
Protheroe, E.
Richards, R.
Rose, rt. hon. Sir G.
Round, C. G.
Rushbrooke, Colonel
Scholefield, J.
Sheppard, T.
Sibthorp, Colonel
Sinclair, Sir G.
Talfourd, Mr. Serg.
Trevor, hon. G. R.
Waddington, H. S.
Winnington, T. E.
Young, Sir W.

TELLERS.

Holmes, W.
Williams, W.

List of the Noes.

Adam, Admiral
Beamish, F. B.
Brotherton, J.
Craig, W. G.
Dennistoun, J.
Dundas, C. W. D.
Dundas, Captain D.
Elliot, hon. J. E.
Gillon, W. D.
Hutt, W.
Langdale, hon. C.
Macleod, R.
Marsland, H.
Martin, J.
Maule, hon. F.
Melgund, Lord Visct.
Murray, rt. hon. J. A.
O'Connell, M. J.
Parker, J.
Pechell, Captain
Philips, M.
Rolfe, Sir R. M.
Salwey, Colonel
Steuart, R.
Strickland, Sir G.
Style, Sir C.
Thorneley, T.
Vigors, N, A.
Wallace, R.
Winnington, H.J.

TELLERS.

Baines, E.
Aglionby, H, A.

Bill read a second time.

HOUSE OF LORDS,

Monday, May 14, 1838.

Minutes.] Petitions presented. By the Duke of Leinster, from the Grand Jury of Clare, by the Marquess of Londonderry, from Landholders of a parish in Antrim, by the Earl of Roden, from the Grand Jury of Kilkenny, by the Earl of Fingall, from the Grand Jury of Meath, and from the Grand Jury of the county of the town of Drogheda, and by the Earl of Shrewsbury, from a parish in Dublin, against parts of the Poor Relief (Ireland) Bill.—By the Bishop of Chester, from certain Wesleyan Methodists, for the better Observance of Sunday.—By Lord Wharncliffe, from a parish in Suffolk, from a place in Yorkshire, and from other places, that all Ecclesiastical Revenues may be appropriated to the spiritual improvement of the people.—By Lord Howard, of Effingham, from a place in Northumberland, by the Marquess of Downshire, from Bandonbridge, and places in the county of Down, by the Duke of Cleveland, from Durham, Barnard Castle, and other places, by the Earl of Carlisle, from members of the Society of Friends in Cumberland, by the Bishop of London, from Hartley (Northumberland), by the Earl of Burlington, from places in Westmorland and Derbyshire, by the Earl of Shrewsbury, from Kilmain, and other places in Ireland, and by Lord, Denman (three), from Methodists of Manchester, and other places, for the Immediate Abolition of Negro Apprenticeship.—By Earl Stanhope, from the parish of Revelsby, in the county of Lincoln, from the inhabitants of Chichester, and from Huddersfield and Bradford, against the New Poor-law.—By Viscount Melbourne, from two places, for Amendments in the Beer Act.—By the Bishop of Derry, from the Governors of the Foundling Hospital, Dublin, praying that the interests and regulations of that Establishment may not be affected by the Irish Poor-law.

Poor-law Amendment Act.] Earl *Stanhope* presented a petition from Saxmundham, and other parishes in the county of Suffolk, for the repeal of the New Poor-law.

The Earl of *Cawdor* remarked, that he thought the prayer of the petitioners rather in favour of, than against the Poor-law Amendment Act, as he observed they prayed for the observance of all good laws.

Earl *Stanhope* said, there was one passage in the petition which he would recommend to the attention of the noble Lord, and, indeed, to that of their Lordships in general. The special prayer of the petitioners, after the general prayer, was, that the noble Lord would be pleased to illuminate their understandings.

The Earl of *Stradbroke* said, it was a singular circumstance, that the signatures to the petition were all in the same handwriting—a fact which he would assure the noble Earl would cause some sensation in Suffolk, that part of the country from which the petition proceeded, and in which the Act had been found to work admirably. When the noble Earl brought forward his motion in March last, he had turned round to him (the Earl of Stradbroke), and said, that there was a large landed proprietor near Folkestone, who had become so disgusted with the way in which the Act was administered, that he had become a determined enemy of the law. There was only one large landed proprietor near Folkestone, and with reference to that gentleman, he begged most distinctly to deny the assertion.

Earl *Stanhope* said, it would save some trouble if he repeated what he had stated on the occasion referred to. He had never stated, that the gentleman in question was inimical to the measure, he regretted he was not; but he had stated, and he again repeated, that which he had more than once heard in the presence of others, from the great landed proprietor of whom he was speaking, that in consequence of the bruality with which the applicants for relief were treated, when they came to the Board of Guardians, and the injustice shown to them, that gentleman had discontinued his attendance.

The Earl of *Stradbroke* denied, that that was the case. The gentleman alluded to had never attended the Board but twice. On the first of those occasions, he had taken an opportunity of expressing his admiration of the way in which the law was carried into effect. On another occasion, he had been requested to present a petition against the measure, which he said as a Member of Parliament, he would be happy to do, but he, at the same time, declared, that he could not approve of the principle of that opposition.

Earl *Stanhope* begged leave most distinctly to adhere to his declaration, which was founded upon statements made to him. The noble Earl talked of the excellent administration of the law in the county of Suffolk. He was not connected with that county by property or residence, but he had frequent communications with its inhabitants, and was well aware that it was there carried into effect in a manner the most cruel and oppressive. In the Union of Blomsgate, an *ex officio* guardian, a magistrate and a clergyman, had ceased to attend in consequence of the manner in which the law was executed. He would not mention the name; but he was positive of the fact being so, from the declarations made to him. The noble Lord talked of the names being in the same handwriting. It was very probable that that might be so, or that there might be marks.

Lord *Holland* had no hesitation in saying, that if a great number of names were affixed to the petition by persons not bearing those names, the petition could not be received.

Earl *Stanhope* said, he had been informed and instructed, that no name was affixed to this petition without the authority of the parties.

Earl *Fitzwilliam* was desirous of knowing by whom the noble Earl had been so instructed. If the petition had been presented by a noble Lord connected with the county of Suffolk, or if the noble Earl had presented any petition from his own county, it would have been unnecessary to make that inquiry. But it was very unfortunate that noble Lords should be so forward in giving testimony regarding counties with which they were in no way connected.

Earl *Stanhope* had the full authority of the person who delivered those petitions to him. He should have no difficulty in giving the name; the gentleman was a person of high respectability.

The Duke of *Richmond* considered that nothing was more likely to detract from the importance of petitions, and lessen the attention paid to them by the House and the public, than any laxity of practice in the annexation of signatures. The custom of affixing marks where the person could not sign his name was admissible, but it was reserved for Mr. Lewin, and the getters-up of petitions against the New Poor Law, to invent a new mode, and set on foot a manufactory of them in London.

Lord *Holland* had no hesitation in saying, that if, as the noble Lord had stated, it had been signed by a certain number of persons, and their signatures were false—

Earl *Stanhope*.—No, no, not false—irregular.

Lord *Holland* said, if there was no falsity when another man put down a different signature from his own, he did not know the meaning of the word. Even a petition signed by the chairman of a meeting of which all the members were unanimous in opinion, was received only as the petition of the individual. It would be impossible for the House to distinguish between the false and genuine signatures, without instituting an examination for the purpose. This was not a popular petition at all. A man might write any number of names in this way in his study.

Earl *Fitzwilliam* called the attention of the noble Earl opposite to the names of "William Gurling," "George Gurling," "James Gurling," and "William Gurling" again, which were all found in one sheet of the Suffolk petition, and again to the repetition of the very same names in the same order in another sheet of it, all in the same handwriting.

Petition rejected.

HOUSE OF COMMONS,

Monday, May 14, 1838.

Minutes.] Petitions presented. By the Attorney-General, from Edinburgh, by Mr. Howard, several, from Carlisle, and other places, by Mr. Sanford, from Long Sutton, Yeovil, and several other places, by Mr. Ord, from a parish in Northumberland, by Mr. Pease, from several places in Lancashire and Somerset, and from the city of Bath, and by Mr. Hindley, from Ashton-under-Line, and Altringham, for the Immediate Abolition of Negro Apprenticeship.—By Mr. Hindley, from St. Margaret's and St. John's Westminster, praying that Public Houses may be kept closed till 1 o'clock on Sundays.—By Mr. Sergeant Jackson, from Lay Impropriators (Ireland), against the Irish Tithe Resolutions.—By Mr. Baines, from a place in Yorkshire, and by Sir W. Heathcote, from a place in Hampshire, for the better Observance of the Sabbath.—By Mr. Chalmers, from different parishes in the county of Forfar, in favour of a reduction of the rate of Postage, and against any further Endowment to the Church of Scotland. and from Arbroath, against the Corn-laws.—By Sir E. Codrington, from Devonport, in favour of a Penny Post.—By Mr. Palmer, from three parishes in Essex, that Ecclesiastical Revenues be applied to Church purposes.—By Mr. S. O'Brien, from Infirmaries, and other bodies in Limerick, for a good Medical Charities Bill.

Tithes (Ireland).] On the motion of Lord John Russell the Order of the Day was read for the House to resolve itself into a Committee of the whole House, to take into consideration the resolutions respecting Irish Tithes.

Lord *John Russell* then addressed the Speaker to the following effect:—Sir, I rise to move, that you do now leave the chair. It was my original intention in doing so to refrain from saying a single word, and to have reserved what I had to say upon the subject for the Committee. My object then would have been to explain as fully as I could the nature and extent of the resolutions to be submitted to the consideration of the Committee, as forming the groundwork of the measure which I have it in contemplation to introduce on the subject of tithes in Ireland. Sir, I should have done this, with every wish on my part to state the nature of those resolutions in a manner that should, in my opinion, entitle them to be favourably considered by the Committee; but that should give room for throwing out suggestions, and for offering amendments which might have had the effect of inducing the House to alter or modify the measure. That was the plan which I had prescribed to myself. I am now, however, compelled to adopt a different course. It has pleased the Gentlemen opposite to say, that they will not permit us to go at once into the Committee, where a member of her Majesty's Government, entitled to do so, might make a detailed statement and explanation of the intention of that Government. It has pleased the Gentlemen opposite to give notice that they mean to interpose another question, to raise a debate and produce a division, before allowing the resolutions to which I have adverted to be considered in a Committee. Sir, I am ready to meet that course in the way in which I think it ought to be met. I am ready at once, and in moving that the House do resolve itself into the Committee, to describe the general purpose and extent of the resolutions which the Committee are to be called upon to affirm. For I think it would not be fair, either towards the House or towards ourselves, if, under the circumstances of the case, her Majesty's Government were to allow the House to enter upon a debate upon the question without an explanation on their part of what they conceive the merits of that question to be. Sir, with regard to the proposition which is to be made by the right hon. Baronet, the Member for North Devonshire, a proposition to which the right hon. Baronet has, no doubt, been instigated by his diocesan—with regard to that right hon. Baronet's proposition, I shall, after I make the explanation which I have promised, consider it in two points of view. I shall consider it with reference to its object of producing discord and bitterness of feeling among us, and preventing the dispassionate settlement of the question of tithes in Ireland. I shall also consider it in another point of view. I shall consider how far such a course is conformable to, or consistent with, the professions which have been made by the Gentlemen opposite with respect to the Church Establishment in Ireland. Sir, I now proceed to describe the general purpose and extent of the resolutions which I shall do myself the honour to propose. And on this occasion I feel myself under the necessity of stating once more the opinions which I entertain, and which I have already repeatedly stated respecting the Church of Ireland. Because those opinions have been alluded to here and elsewhere; and the manner in which they have been alluded to clearly shows that they have been completely misunderstood, or wilfully misrepresented. Sir, the condition of the Church of Ireland I have ever considered a very peculiar one; and it has always appeared to me that the peculiarity of that condition must necessarily influence all legislation respecting it. I must first consider what the general argument is in favour of the rights of the Established Church in England. I must consider in what way the rights of that Church have been defended; and, in my opinion, rightfully defended. I will then put this statement in juxtaposition with the present condition of the Established Church in Ireland. Among those who have written on the subject of the union of Church and State, is Warburton; and, although his theory is somewhat fanciful and imaginary, it is one which appears to me to be the best upon the subject. Warburton says, that there are certain benefits derived by the Church from its alliance with the State; and certain benefits derived by the State from its alliance with the Church. Foremost among the advantages which Warburton states the Church to derive from its union with the State, are, a public endowment for its ministers, a share in the legislation of the empire, and being intrusted with a jurisdiction, enforced by civil co-active power. On the other hand, Warburton states, that the State derives from the Church this great advantage—that the Church is a subsidiary power that gives a sanction to morality and enforces the precepts of religion, and thus induces the great mass of the people to subdue those passions which it is the business of the civil magistrate to punish. Now, Sir, if we compare this system with the present condition of the Church of Ireland, we must see, that while on the one side, every condition required by the Church is complied with by the State, on the other side the Church is unable to comply with the requisitions of the State. It cannot enforce among the people the doctrines of morality, and the precepts of religion, because the great majority of the people of Ireland are unwilling to receive them from such hands. I will, however, state the utility of this influence on the part of the Church, not upon mere abstract authority. I will quote words which have been represented as having been uttered by the Archbishop of Canterbury, the primate of the Church of England, a few weeks ago. I have found these words stated to have been delivered by him; and as I quote them, and express my concurrence with them, it must be supposed that I entirely adopt them. The Archbishop of Canterbury said, "What were churches instituted for, except for the good of the people—except for the spiritual welfare and temporal advantage of the great body of the population? For these two things could not be separated; all that contributed most to the happiness of society, the increase of virtue, the extension of morality, the diminution of vice, and the suppression of crime, must always stand upon the basis of religion." That being the ground upon which, according to so high an authority, a Church establishment connected with the State, ought to stand, I say again, that however applicable that description may be to the Church Establishment in England, it is not applicable to the Church Establishment in Ireland, where, however well inclined the ministers of religion may be, to inculcate the suppression of crime and the diminution of vice, the difference of religious faith between them and the great body of the people, renders the inculcation of such doctrines from their hands totally useless, and in some cases impracticable. I may give some examples (though they have been often quoted), for the purpose of showing how little the clergy of the Church of Ireland can have the influence to which I have alluded over the great body of the people. It appears by the last census, that the population of Ireland, in round numbers, is upwards of eight millions; that six millions and a half are Roman Catholics, six hundred and fifty thousand Presbyterians, and eight hundred and fifty-two thousand members of the Established Church. The greater part of the members of this Establishment, are in one of the four ecclesiastical provinces of Ireland. In the province of Armagh, there are more than 500,000 members of the Church Establishment. In the diocese of Cashel and Derry, where the Roman Catholics number 3,408,000, the whole number of Protestants is but 150,470. In Cashel, ninety-five per cent of the population are Roman Catholics. In Tuam, ninety-six per cent of the population are Roman Catholics. In the diocese of Derry, containing a population of 98,000, the members of the Established Church are but one and a quarter per cent in number. Yet they are not without endowments. It appears, that there are forty-one benefices without a single Protestant; and ninety-nine with only from one to twenty. There are many other benefices in which there is a very small number of Protestants, of members of the Established Church, and a very large number of Roman Catholics. I say, then, give to the ministers of the Established Church in Ireland, any benefit you please, give them credit for the utmost attention to their duties (although, in many instances, there is neither glebe house nor church), their differing in faith from the people must be in the way of their usefulness. I say, that the condition of Ireland furnishes a singular example of an Established Church, a country in three parts out of four of which that Established Church is in a small minority; and that, under such circumstances, it is impossible that the lessons given by the ministers of that Established Church can reach the heart, or influence the conduct, of the great body of the people. Sir, I have been partly induced to make this statement, because when I have declared more than once in this House my determination, in any vote that I should give, to support the Established Church of Ireland, I have been taunted with not placing that support on the ground of the advantages given to the Protestant religion by the Church Establishment. It does, I own, appear to me, that if we were to consider solely and exclusively the advantage of the Protestant religion in Ireland, it might be a very doubtful question, how far the Church Establishment in that country, in its present form, can conduce to the promotion of that religion. But, Sir, there are other grounds on which I think it is our duty to support that establishment. In the first place, it is not the case which has so frequently been put by those who are totally hostile to the Church, namely, the case of Scotland; in which, upon the Revolution, you at once gave up your own Established Church, and converted that Establishment into one more in accordance with the general feelings of the people, by that means, producing peace and concord. In Scotland, not only were the great body of the people of the Presbyterian persuasion; but there was not that great difference between them and any great proportion of the classes holding property, and having instruction and education, which was calculated to prevent the harmonious agreement of the latter in the Presbyterian forms of worship. But, in Ireland, not only is there a vast proportion of the property, but also a vast proportion of members of the learned professions, and of others, whose importance cannot be denied, who are attached to the Protestant Church, and by whom anything that could be considered, as at all tending to overturn the Established Church would be looked upon as placing them in a state of political inferiority to their fellow-countrymen. And, besides that, we must recollect, that the Act of Union made the Irish Church Establishment a part of the Church Establishment of England. From these considerations, Sir, I cannot but come to the conclusion, that, anomalous as the state of the Church of Ireland is, peculiar as is its position, differing as it does from any other Established Church recorded in history, or at present existing in the world, yet that any measure involving the destruction of that Church, would involve a breach in the Act of Union, endangering the integrity of the empire in the first place, and, in the second place, considering how many years have elapsed since the Act of Union has passed into the law of the land, probably occasioning such a rent in the whole ecclesiastical constitution of these realms, that I think the Church of England would suffer deeply from such a measure. But when I say this, I feel obliged again to look at the condition of the Church, with a view to the welfare of the people of England. I may say, Sir, to the people of Ireland—"It is for your advantage, it is for the advantage of Ireland, that the principles of the Union should be maintained; and that you should continue to form part of the United Kingdom. Your general advantage will greatly outweigh the particular hardships you may complain of in the institutions of your country." But while I consider this to be a just argument, I cannot expect, I do not expect, that it will ever be entirely satisfactory to the people of Ireland. It is for this reason that I have earnestly, steadily, and at all times endeavoured, by some means or other, to conciliate Irish interests, and to involve Irish affections in objects connected with the Established Church, in order to provide for that Church an additional security. It is for this reason that the resolutions which the hon. Baronet, the Member for North Devonshire, is about to impugn, seemed to me, while they were calculated to afford some satisfaction to the people of Ireland, to show that there was at least one part of the endowments of that Church which might be applied for the general welfare and benefit of all classes of the community, without distinction of sect or religious persuasion. But measures founded on those resolutions have never met with the concurrence of Parliament, although they have passed this House. I now come, Sir, to explain the measure which, I think, may, on the one hand, in a great degree tend to satisfy the people of Ireland, while, on the other hand, it affords to the Church Establishment in that country complete security. In explaining this measure I will at once state, that it is totally different from the representations which have been made of it in resolutions and in decisions which have been come to by various bodies. It appears by those resolutions and decisions that many persons have taken a totally erroneous view of its provisions, and founded their objections on matters which really do not belong to the measure. With regard to the first part of this measure I do not wish to say any thing, because it has been frequently before the House, and has, as I think, in principle never met with any opposition. It is that part which goes to convert the present tithe composition into a rent charge, with a certain amount of deduction. As to the amount of deduction, I do not know if there be any difference of opinion, but I do not think there is any with respect to the principle of the deduction itself. The next resolution I have to propose contemplates, on the expiration of existing interests, the conversion of that rent-charge, by redemption, into a capital, which is to be laid out in lands, or rent-charges, or in such a manner as the ecclesiastical Commissioners may think best adapted to secure its investment. The propositions that have been made on this subject by persons sitting on the other side of the House were accompanied by other propositions, which, on mature consideration, I cannot recommend to the House. The noble Lord opposite, in 1832, proposed, in conformity with the report of the Committee on the subject, that there should be a redemption of the rent-charge or tithe composition at sixteen years' purchase. He then said, that the clergy, who had had a tithe composition, would be able to buy land at eighteen years' purchase, thus presuming that they would gain five and a half per cent. by laying out their capital in land. This is a presumption in which I am not prepared to agree; nor do I think that the noble Lord himself would now renew it. The right hon. Member for Launceston, in 1835, proposed another mode of redemption. He proposed that the tithe composition should be reduced to seventy-five per cent., and that twenty years' purchase should be given for it. He proposed, likewise, that the deficiency should be made up, not by the purchase of land (according to the proposition of the noble Lord), but that the perpetuity fund of the Church temporalities should be applied to make up the income of the clergy. Now, Sir, I cannot recommend the adoption of that proposition to the House; for during the whole period in which those perpetuity funds have been in the hands of the Commissioners, so far from showing a surplus they have constantly exhibited a deficiency. It would, therefore, be a mere delusion upon the clergy to look to that fund as a means of making up their income. Well then, Sir, with regard to the state of the clergy, in proposing my reduction I have to encounter the objection which those who have preceded me in the proposition endeavoured to obviate, but in my opinion not successfully. There must be a great diminution of the income of the clergy; the exact amount of which it is impossible for us to calculate. I cannot but see, that clergymen obtaining only sixteen years' purchase must be great losers; and, therefore, I will not force it upon them. I propose, that after the expiration of the existing interests that reduction shall take place. But I consider myself bound to provide for existing interests. And yet, if I say that those existing interests shall be preserved by the clergymen continuing to receive the tithe-composition, I shall continue for a long period the contentions and collisions between the clergy and the people which unhappily have too often occurred already. I propose, therefore, that while there is a security for the future in the redemption of the tithe, there shall be a security at present to the amount of seventy per cent., making the State the guarantee for that sum. So far as the Church is concerned there can be no objection to this plan. I propose ultimately to reduce the income; but I propose to reduce it less than the right hon. Member for Launceston. Where that right hon. Member gave 1,500*l.*, I propose to give 1,600*l.*; and I also propose for the present the security of the State guarantee. I think, Sir, that on neither ground can any objection be made to this proposition. I do not think it can be objected to on the ground of pressing hard on the clergy, and reducing their income unfairly; and I do not think it can be objected to on the ground that it will make the clergyman a stipendiary of the State. It is for these reasons, Sir, that I think many of the petitions which have been presented on this subject, and among others the petition of the clergy of Limerick, are founded on erroneous views of the proposed measure. The petitioners are apprehensive that they are to be made dependent on the annual votes of this House. It will not be so. They will be secured by an Act of Parliament; and without another Act of Parliament their income cannot be effected. If they consider that it is exposed to any danger, or to any spoliation from the State, I provide even for that; for I provide, that the clergyman may obtain redemption. So much as regards the plan as it affects the Church. I come now to that part of it which affects the clergy of Ireland, and I will also say, the people of Ireland; because, in spite of some of the petitions which have been presented upon the subject, I will not believe, that the general body of the clergy of Ireland are indifferent to the sufferings of, and their conflicts with, the people of that country. With respect to the people, this is their present condition. They have imbibed, and I cannot think unnaturally imbibed, a strong sentiment against the payment of tithes. This sentiment, in a great degree, no doubt, they imbibed from their teachers, one of whom is reported to have said to his flock, "Your hatred of tithes must be as strong as your love of justice." With such a sentiment instilled into their bosoms, a large portion of the people thought it was their duty to resist the payment of tithes; and were it not that circumstances have of late been favourable to the general maintenance of tranquillity, we should have seen a continuance and an aggravation of those conflicts between the tithe-payers and the tithe-collectors which a few years since were of such frequent occurrence. It must be in the memory of every one how common it was, not many years ago, for the tithe-payers to assemble in large numbers determined to resist the law; and how often upon such occasions it happened that they came into collision with the military and police, and frequently extended and continued their resistance until shots were fired and blood shed. Now, in what manner does the plan suggested by Government propose to remedy the evil? It proposes to effect the remedy in this way—that in future that which shall be asked of the occupier—that which shall be asked even of the person having the first estate of inheritance—shall not immediately or necessarily go to form part of the income of the Church. When the clergyman is secured, first, by receiving his payment from the State, and afterwards by the possession of property, similar to any other property in the country, the motive to resist the payment of rent-charge will be taken away, because the resistance of such a charge would be no vindication of the principle which induced the people to oppose the obnoxious demand, seeing, that the payment or the non-payment of it would not, in its result, affect the income of the Church. It is proposed, therefore, in one of the subsequent resolutions, that the payments to be made out of these rent-charges should not be made directly to the Church, nor be merely part of the consolidated fund, but that they should be, in a great measure, payments connected with the civil Government of Ireland. If they are payments connected with the civil Government of Ireland, it can hardly be expected, at least, by reasonable men, that so far as physical resistance is concerned, that so far as those dreadful scenes of bloodshed and massacre are concerned, it can hardly be expected, I repeat, that these payments will ever lead to such results. I will state some of the payments which it is proposed should be made out of this fund. It is proposed, that, to the constabulary force of Ireland, 160,000*l.* should be paid; that to the Dublin police 20,000*l.* a-year should be paid; and that 70,000*l.* a-year should be paid towards the expense of criminal informations. It is further proposed, instead of continuing merely a sum of 50,000*l.* by annual votes for the purpose of education, that hereafter 100,000*l.* shall be reserved upon the consolidated fund, to be paid out of this source of revenue, for the purpose of education in Ireland. That income at present would be collected by the officers of the Woods and Forests; it would be collected under the direction of the State, and would be payable like any other sums which are devoted to the purposes of civil Government. If it were thought better that it should be made payable to the treasurers of counties, instead of to the officers of the Woods and Forests, that mode might be adopted. It would not, in any respect, interfere with the general character of the arrangement, or with the principle upon which it is wished to conduct it. There would likewise be a sum—it is impossible to state exactly what it would be—perhaps 40,000*l.* a-year, arising from the conversion of the rent-charges into capital; and in that case my opinion is, that Parliament ought to devote that sum likewise to local charities in Ireland. And I must say, that the more Parliament does towards the extension of education in Ireland, the more will it be performing its duty towards that country. With respect to education in Ireland, unnecessary as it is for me to enforce the propriety of a grant for that purpose, yet I must state, that I have always looked upon the question of education for all classes in that country, proposed as it was by the noble Lord opposite, and afterwards carried into effect—much more satisfactorily, I confess, than I had anticipated—I have always looked upon the question as one of far deeper importance than that of education in any other country; and I look at it as of so much importance, partly because, being a friend to an established Church, I believe, that in Ireland, the people cannot afford to part with the advantages of an establishment of that kind. It was stated, and stated truly, by a Member of the other House of Parliament, that in Ireland you have a Church connected with the State, but not connected with the majority of the people; and you have also a Church connected with the majority of the people, but not connected with the State. I do not anticipate, although many may think it desirable, that the clergy who are not now connected with the State, that the Roman Catholic and Presbyterian clergy, would be connected with the State, according to the resolution which was once passed in this House. It will, no doubt, be well remembered, that there was once a resolution passed by this House, that it was expedient to provide by law for the payment of the Roman Catholic clergy. I know not whether the hon. Baronet (Sir Thomas Acland), when he has succeeded in rescinding our resolutions, will also move, that the resolution to which I just referred, should be rescinded; but with regard to any plan or scheme of that kind—with regard to any suggestion for connecting the Roman Catholic and Presbyterian Churches with the State, whatever any person may think of its policy or reasonableness, I imagine that no person, in the present circumstances of the country, considering the opinions of the Church of England, considering the opinions of the Protestant dissenters, considering, in the last place, the opinions of the Roman Catholic clergy and laity, I imagine that no person considering these things, will think it a plan likely soon to be accomplished. It must be evident to every one that there is no chance, or scarcely any chance, of our seeing such a connection established between the State and the different religious bodies in the country. Then, I say, that by means of education you may supply, in some degree, the defect (as I consider it) of not having an established Church connected with the majority of the people. You may have men of instruction—men versed in knowledge—men able to teach, who shall not inspire the jealousy of any class—who can inculcate the common roots of religion, and enforce the usual precepts of morality, without being exposed to the hostility of persons of any sect or persuasion. I think, for this reason, that the establishment of schools in Ireland, that the extension of education, that the providing a sufficient income for a body of well instructed schoolmasters in Ireland, is an object more important to the state in that country than it is in any other part of the United Kingdom, or than it would be, probably, in any other country in Europe. I will not go further into the details of the resolutions that I have to propose. You have in them, on the one hand, an income secured to the clergy, and the means of redemption placed within your reach; and, on the other hand, you have the total separation of that which has been hitherto the income of the clergy from topics of inflammation or discontent. By these resolutions you provide certainly for the clergy, you provide in a great measure for the feeling of the people, and you provide also for the complete avoidance of those occasions upon which a person may think he is bound in conscience to resist a payment to which he is bound in law. These advantages seem to me to be no slight ones. In the present state of the measures before Parliament, of the many and great difficulties that have existed, I should think that by carrying these resolutions, and by founding measures upon them, you would, to a great extent, further and promote the welfare of Ireland. I should say, further, that you would promote the harmony and stability of the Constitution. I will even go further, and say, that this, adopted some time since, would have been a final and perpetual settlement; and that the people of Ireland would never feel any discontent with respect to the income of the Church, even though it should never be diminished. But it is out of my power to say, that this or any measure which can be proposed, and is likely to pass through Parliament, can have that effect now, whatever might have been the case not long ago. I cannot forget, that the enforcement by the strict process of the law of the utmost views of the clergy, that the sending hundreds of persons to prison, that the exposing many to die in prison, or in consequence of the injurious nature of the proceedings adopted towards them, that the many conflicts which have taken place may have raised among the people of Ireland a painful and bitter feeling, which even hereafter may induce them still to protest against the revenues of the Established Church. Having stated thus much with respect to the resolutions, I must observe that what I have lately seen has made me much less sanguine than I was formerly that they would form the foundation of a successful measure. In the first place, the conduct of the clergy of the Established Church in various parts of Ireland seems to show that they are determined rather to continue this agitation—rather to maintain the present state of things, than to agree to any equitable settlement of the question. I think that they very much mistake, or very much underrate the advantages they might have derived from the adoption of the plan which we proposed—first, from the due enforcement of the law; and, secondly, from the political tranquillity which has of late prevailed in Ireland. I think that they did not dwell enough upon these circumstances when they threw away all hope and chance of making an accommodation in order to rest upon what some of them call the imperfect state of the law. In one of the petitions which they have recently addressed to Parliament upon the subject, they declared, as if that were a great concession, that they were ready, for the sake of peace, to give up fifteen per cent. of their income. Singular this, that they should give such an exact measure of the value of peace. Singular, surely, that these Christian clergymen should exactly decide, that peace in Ireland is worth fifteen per cent. of their income. In fact, the concession they would make is not even so much as fifteen per cent. of their income, because, according to the act introduced by the noble Lord opposite, in cases where the tithe is easy of collection the landlord may take it into his own hands, and pay it, minus fifteen per cent., to the clergyman; therefore, according to the present state of the law, wherever tithes are easy of collection, wherever the change proposed would cause a sacrifice on the part of the clergyman, the landlord would be able to enforce the full payment. In what cases then would the fifteen per cent. be actually given up? In those cases only where the tithe was difficult of collection; where the landlord had not taken it upon himself; and where the clergymen would be gainers and not losers by the substitution, of a deduction of fifteen per cent. in place of their present loss. ["*No, no!*"] The right hon. Gentleman opposite, seems to contradict my statement. Does he contradict this, that the landlord can take upon himself the collection of the tithe, and pay it, with a deduction of fifteen per cent., to the clergyman? [Mr. *Goulburn*:—When the leases fall in.] True, but those are the cases in which the greatest difficulties take place. The cases in which the lease is given in, and in which the occupier is obliged to pay the tithe, are the cases in which the greatest difficulties are constantly arising. But at all events, this will not be denied, that the other House of Parliament, representing the clergy, and acting in behalf of the clergy, sent down a bill to us in which a diminution of twenty-five per cent. was made in the income of the clergy; yet there are now men in Ireland, Christian clergymen, who say that the utmost that they will do for the sake of peace is to consent to a diminution of fifteen per cent., and no more, in the amount of their income. I say, therefore, that these unreasonable pretensions on the part of the clergy of the Establishment in Ireland—that this insensibility on their part to the evils of a protracted contest with the people, makes me far less sanguine than I formerly was as to the possibility of coming to any accommodation or compromise upon the subject. Every body on both sides of both Houses of Parliament must concur in regretting the exorbitance of the clergy upon this subject; but beyond that—beyond the exorbitance and obstinacy of the clergy, there is the notice given by the hon. Baronet opposite, which, according to the hon. Baronet and his Friends, is to be taken as a necessary preliminary to any legislation upon the question of tithes and of Church property in Ireland. Let me call the attention of the House to the circumstances under which that notice has been given—to the circumstances which have preceded the debate upon the present occasion. In the year 1836 we sent up a Tithe Bill to the House of Lords which was returned materially altered. Those alterations we refused to assent to, and the bill was thrown out. In the same year we sent up to the House of Lords a bill respecting Municipal Corporations in Ireland. That bill, I will not say was altered, but was totally disfigured in the other House of Parliament. The whole principle of it was subverted. We insisted upon maintaining the principle of creating (if you will) popular corporations in Ireland. That principle was resisted by the House of Lords, and in consequence that bill also was lost. This was the result of the Session of 1836—a result which gave, in the first place, great disappointment to those in Ireland who looked to a settlement of these questions, and which in the second place was exceedingly injurious to the character and authority of Parliament. Whether men attacked the majority in this House for what they termed its unreasonable proposals, or whether they attacked the other House of Parliament as being an hereditary body unfit to legislate for the great mass of the people, in either way the character and authority of Parliament suffered in public estimation. And such discussions amongst the public, whether they have ended in derogating from the authority of this House, or whether they have succeeded in diminishing the reputation of the other House of Parliament, could not but have been attended with danger to the mixed constitution of this country. In 1837 other measures were proposed, the first of which, I think, was the Municipal Corporations Bill. Seeing the evil which had already occurred—seeing that which I thought might still occur, I stated, in proposing the Municipal Corporations Bill in 1837, that we considered it a vital question to the Government, and that we could not go on proposing it from year to year unless we saw some chance that Parliament would be disposed to legislate upon it. When I stated, that it was perfectly competent — not certainly for those in this House who formed the minority, but to those who were opposed to us in the other House of Parliament, and who formed the large majority of that assembly—to say, that they insisted upon the abolition of corporations in Ireland. and that they would either reject our bill altogether, or introduce provisions into it totally inconsistent with the existence of popular corporations. The effect of such a proceeding, as every body must have known at the time, would have been either the immediate resignation of the Ministry, or the proposition of such measures to ascertain the decided sense of the people upon the question as could not then have been adopted. We should then have tendered advice to the Crown which would not have been accepted, and in that way again the dissolution of the Ministry was the certain consequence. I do not speak merely of what would probably have happened, but of what actually did happen, when I state that there was not a single member of the cabinet who did not think that, upon the rejection of the Irish Municipal Corporations Bill by the House of Lords, it would be necessary for us either immediately to tender our resignation, or to proceed to some steps by which that measure might have some chance and prospect of being carried without further loss of time. However, those who were opposed to us did not choose to take that line of conduct. Had they done so, they would have had the whole course before them, and would have had the opportunity of submitting whatever measures they thought proper to the consideration of Parliament. They would have stood undoubtedly upon the ground of refusing popular corporations to Ireland; they would have gone to issue with this House upon that question, but they would have had the advantage, as Ministers of the Crown, of proposing such other measures as in their judgment they might deem most beneficial to the country. They did not take that course; but after the bill had been sent up to the other House they proposed once, or I believe twice, that the consideration of it should be deferred until certain other bills which were in progress here should also be laid upon the table of the Lords. The language of our opponents in this House was of a similar nature, implying, that when the Tithe Bill should be settled, corporations upon the same popular basis as those established in England and Scotland should not be denied to the people of Ireland. That was the effect and amount of their declarations, Every rumour of conversation was in strict conformity with the language which they held in Parliament. Every whisper in the street, every public declaration in the House, alike announced, that propositions were to be made to the Legislature upon which all sides could agree without any derogation of the honour of Parliament. All these rumours, all these hints, all these statements, seem to have been confirmed on the 29th of June, 1837, when the Duke of Wellington stated what his intentions were with respect to the principal measures in dispute between the two Houses of Parliament. The Irish Municipal Corporations Bill was viewed by the Duke of Wellington in this light:—

> "It was not his intention to enter into any argument with respect to the Irish Municipal Corporations Bill. In former discussions with respect to this bill he had stated his objection to it; not as to itself alone, but as connected with other Irish measures. He still retained the same objections. At the same time he must say, that it was his anxious wish to put an end to the discussion of all these bills, by bringing them to an amicable termination. He earnestly wished to put an end to the tithe question, which was introduced seven years ago. It was also his wish, that some arrangement should be made for a provision for the poor in Ireland. He was desirous to see the corporation question settled, when arrangements could be made for carrying out the other questions connected with it. He was most anxious that the Parliamentary discussion that now occurred on these questions from year to year should be brought to a close, and he could assure the noble Viscount, that if in the next Parliament they should meet in the same relative positions, he should be prepared to concur with him on all those subjects in any reasonable measure the noble Viscount might introduce for their final and satisfactory settlement."*

This declaration is of the very greatest importance. It contains many things of which the last is not the least important. It declares, in the first place, a willingness on the part of the Duke of Wellington to enter candidly and fairly upon a settlement of the three great Irish questions of tithes, poor-laws, and municipal corporations. That is important; but in the next place it declares, that the noble Duke would be prepared to enter into the discussion of such measures with the view to their final adjustment, whilst Lord Melbourne remained at the head of the administration. I can conceive, that if the Duke of Wellington or the right hon. Baronet (Sir Robert Peel) opposite had said, "I am ready to agree to measures upon this subject which shall lead to the settlement of them," it would be remarked that the proposition to be entertained was, that if the present administration would yield to his suggestion he would make propositions in conformity with his opinions, his views, and his sentiments upon these questions, which should be satisfactory to Parliament and the country. But the Duke of Wellington did not say that. He said, "with the noble Lord," meaning Lord Melbourne, "in his present position at the head of the Government, I shall be ready to enter into an agreement or arrangement upon these disputed questions." Now, if he had added a few words to that declaration, and those words had been different from all the rest—if he had said, "But I have one proposition to make more —namely, that the declarations which the noble Lord (Lord Melbourne) made in the House of Lords at the commencement of his administration shall be repudiated, and the resolutions which were come to by the House of Commons shall be rescinded." If the noble Duke had said that, he would at once have provoked this answer from the noble Lord at the head of the Government: "It is true that you have made these proposals, but you couple with them conditions inconsistent with our principles —inconsistent with our honour, and upon such terms I cannot propose any measures upon these subjects." It is owing to the concealment of those conditions—conditions which I say would have been inconsistent with our principles and our honour, that our opponents have been able to go on from that time to this in the course I shall presently describe. In the first place I ask, was the declaration of the Duke of Wellington given with their assent and authority, or was it not? If it was not, they ought immediately to have declared a difference of opinion. If it was, I cannot conceive how it could be, that at the end of the Session of 1837 they could propose certain propositions of arrangement, and at the same time conceal or hide that which they knew we could never agree to, and to which it was impossible that our assent could be obtained. I say this because we have acted upon the strength of the declarations made by our opponents in this and the other House of Parliament, and upon the assurance, as I may say, which was generally understood, that any propositions that were to be made should be propositions that we might consistently support. Soon after the close of the last Session, when the measures with regard to Ireland were to be considered, my noble Friend at the head of the Government, acting upon the faith of the assurances he had received, urged upon me this proposition. He said, "it would not be just either to you or to the House of Commons that you should be required to produce measures other than those which you think consistent with your principles; but so much I think may be yielded to the House of Lords, that with regard to the order in which these measures shall be sent up to them, that order shall be made in some degree conformable to their wishes." I thought that this representation made to me by Lord Melbourne respecting the disposition of the House of Lords, was a representation to which I might very properly agree, and I resolved, not from any party view, but from a sincere desire to obtain for this country as well as for Ireland, the benefits which I felt assured would result from the settlement of these questions, to act in conformity to the suggestions which my noble Friend had made to me. Had he told me, that there would be something introduced at the end of these discussions to which I could never agree, my course during the present Session would have been different. My opinion, all our opinions, were strongly in favour of Irish municipal corporations. That was an opinion most agreeable to the Irish people, and conformable to the general sense of the people in England. The measure we had framed upon that subject was founded upon just principles, and would produce, as I think, none but beneficial effects. I should have urged that question in the first place. But depending upon the assurances we had received, I brought in another measure—the measure for extending a system of Poor-laws to Ireland. After many long and harassing debates, we carried that measure through this House, and sent it up to the House of Lords. Why was this? Because I was told, that that was a question which it was desirable should be sent up to that House before any others that were intended to apply to Ireland. Many Irish Members told me that I was wrong in postponing a measure which I had brought forward in previous Sessions of Parliament, and which was justly popular in Ireland, for the sake of a measure which must necessarily be attended by many difficulties, and upon which the popularity of the ministry in Ireland would be risked, and might be lost. Therefore they urged upon me, in the strongest manner, not only the propriety, but the necessity, of bringing forward the Irish Municipal Corporations Bill, prior to the introduction of the measure for the establishment of a system of Poor-laws in Ireland. What was the answer? "I will do no such thing; I will not say, that I have not acted in the most conciliatory manner with respect to the propositions to be made to the other House of Parliament; I will not say, that I will carry forward the Irish Municipal Corporations Bill, merely for the sake of obtaining a party advantage." Our opponents have taken great advantage of this conciliation. With respect to the Municipal Corporations Bill, when the right hon. Gentleman asked me whether I would not postpone going into the Committee upon that bill till after the tithe question was considered, I again agreed to do so. This was a further proposition to which I assented, and I agreed to bring on the Tithe Question before it. If the hon. Baronet, who is this night about to bring forward a motion for rescinding the resolutions of 1835, had, as he might have done, given notice of that motion at an early period of the Session, instead of doing so only four days ago, I should not have deferred the Irish Municipal Corporations Bill. He, therefore, has all the advantage to be derived from my conduct; and he has all the advantage of any unpopularity we might have suffered from urging forward other measures, and from delaying the Municipal Corporations Bill. The only advantage I have, is the advantage I shall derive for my future guidance from the past conduct of my opponents, which is, that whenever they make professions I shall consider those professions as snares; that whenever they make declarations, I shall consider those declarations as stratagems, and intended to deceive. Such is the position, such the circumstances, in which the hon. Baronet thinks fit to make his proposition. That that proposition should come from those who profess an amazing attachment to the Church, that the bar to any settlement of this important question, that the raising of this angry debate, that the endeavour to force upon us a point on which they must know we should not yield, should come from those who, I repeat, profess an extraordinary attachment to the Church, is perhaps nothing that ought to surprise me. It is a very happy satire of a great poet, that when Discord was sent for, the messenger who sought her found her—not in courts, nor in camps—but in a monastery. The poet who gave that description well knew, that men who profess an exceeding abstinence from the affairs and follies of the world, and who say, that their wish and intention is only the inculcation of religion and morality, are very often as fond of broils and contentions as, or still more so than, those whose ordinary occupations are with the concerns of the world. I am making this allusion in the supposition —which I can hardly doubt is a correct one—that it is the wish of those who are most connected with the clergy that a debate should take place upon these resolutions of 1835. Now, Sir, with respect to the resolutions themselves, I beg leave to state, that my opinion is the same that it ever has been. With regard to the House itself, I may observe, that this present House has nothing to do with resolutions entered into by any former Parliament, no more than the resolutions with regard to the Catholic question were afterwards subjects of deliberation in a subsequent Parliament. Resolutions have, on various occasions, been adopted by the House of Commons. There were resolutions with regard to the Catholic question—resolutions with regard to a provision by law for the Roman Catholic clergy; also resolutions with respect to tithes; yet it was never thought necessary, that any subsequent Parliament should immediately take cognizance of those resolutions for the purpose of considering them before any other measures were adopted. Therefore, so far as legislation is concerned, this Parliament is at liberty to legislate as it best can in the present state of circumstances, and as the *inclinatio temporum* required. With regard to myself, I will state what these resolutions are, and by what authority I think they are supported. The first resolution—indeed the only one involving a principle, the others being what were considered fit to be adopted at the time—stated, "that any surplus which may be derived, after affording spiritual instruction to the members of the Established Church, ought to be given for the purpose of education, without distinction of religious sect or persuasion." In that opinion I fully and entirely concurred when the resolution was originally proposed—in that opinion I fully and entirely concur now. I do think, that anything which can be derived from the Church of Ireland ought to be, and might most properly be, given for the general education of the people, and that the whole people of Ireland ought to have the benefit of it. The Board of Commissioners of education in Ireland, consisting of persons of great authority in the Church, as well as in civil matters, have laid down no less a principle. Their report is signed by the Archbishop of Armagh, the Archbishop of Cashel, the Bishop of Killala, the rev. Isaac Corry, the rev. Thomas Elrington, Mr. Richard L. Edgworth, Mr. James Whitelaw, and Mr. J. L. Foster; and they propose, that for the purposes of education, a tax should be imposed on the clergy of Ireland. "It might not, it is submitted, be deemed unreasonable, that they should be rated at a sum not exceeding two per cent. on their respective incomes, to be ascertained by the bishops in such manner as would be most expedient." Now, that proposition recognises the principle of imposing a tax on the Church. Then, in the next place, as to the nature of that education, the Commissioners state, "that no plan of education, however wisely and unexceptionably contrived in other respects, could be carried into effectual operation in Ireland unless it were explicitly avowed and clearly understood as a leading principle of the plan, that no attempt was to be made to influence or disturb the peculiar religious tenets of any sect or denomination of Christians." Now, I contend, that if you were to rescind the resolution of 1835, still the principle contained in it is equally embodied in the report, which has been signed by the Lord Primate of Ireland. The principle remains consecrated in that report. It is a wise and just principle; and I for one should be glad to see it carried into effect, as tending to improve the people of Ireland, and tending likewise to make the Established Church more acceptable to that people. In one of the subsequent resolutions of 1835, it was stated, that no plan for the settlement of the Tithe and Church question in Ireland could be final or satisfactory unless it embodied the principle contained in the first resolution. It is, I think, the converse of that proposition, that a plan which embodied that principle would be final and satisfactory. That is a proposition that was true at the time when those resolutions were carried. If, at that time, a measure had passed embodying that principle, having, as it would have had, the concurrence of all the popular leaders in Ireland, and having the faith of the Government and the assent of Parliament pledged to it, I think it would have been a final and satisfactory settlement of the question of tithes and the affairs of the Church in Ireland. But, Sir, I cannot say so now. I cannot say that any plan without that principle would be final and satisfactory; but neither can I say, that any plan even containing the principle of the resolution of 1835, would now be final and satisfactory to the people of Ireland. That, Sir, is the consequence of the change of circumstances. Such is ever the course in all matters of this kind. When Mr. Burke first proposed measures of conciliation towards America, he proposed as a condition, that the supremacy of this country should be acknowledged. But those measures were not adopted; and he afterwards proposed plans in which the question of supremacy was given up, and when he was taunted with having abandoned that important point, he, in justification, pleaded a change of circumstances. Again, Mr. Canning proposed different plans for Catholic emancipation containing securities, but he afterwards was an eager advocate of a plan containing no such securities. When he, too, was reminded of his former propositions, what answer did he give? He said in this place, "I will not be a security-grinder all my life;" and he added, "Circumstances have changed, and I see no advantage in proposing securities which now are inappropriate." So, Sir, I also must say that I do not conceive it would be any part of our duty as a Government to propose as a portion of a measure with respect to tithes in Ireland, the imposition of a tax upon the clergy, according to the proposition of the Archbishops of Armagh and Cashel, if it met with very great opposition on one side of the House, and if to the people of Ireland it did not give satisfaction. But, Sir, with regard to the great principle that it is just and fitting that the Church of Ireland should be obliged to contribute to the education of all classes of the people, without distinction of sect or persuasion, upon that great principle my opinion is unchanged. I think it is matter of justice to the people of Ireland, and neither by my speech nor my vote will I deny it. The attempt, then, of the hon. Baronet, to-night is in the first place to induce this House to reverse the proposition which was agreed to by the late Parliament, and to abandon the principle which that Parliament deliberately laid down. Now, I, believing that principle to be a just one, cannot consent to that reversal. His next attempt, and an obnoxious attempt it is, is by means of a resolution to this House, to affix a stigma upon us, her Majesty's Government—a resolution declaring that whoever else may be able to carry the tithe resolutions into effect, it is impossible that in our hands that duty should not fail. Now, Sir, I resist the proposition of the hon. Baronet, because it involves the reversal of a resolution which contains a principle I hold to be a just one, and also because it is a proposition implying a stigma upon us, which I will not consent to bear. But, in my opinion, the proposition of the hon. Baronet goes much further. I think, that a proposition to rescind a resolution which, at the time it was adopted, gave great satisfaction to the people of Ireland, and which they have always looked to as being connected and identified with the principle of the present administration in Ireland, is an attempt to go back to another and an opposition course of policy—a course of policy which your legislation and your conduct as Houses of Parliament have condemned. In treating of this part of the question, I must advert to a topic which may not be entirely agreeable to some of the gentlemen opposite, but which I think is intimately connected with the amendment now about to be proposed. I go back, Sir, to the year 1829. No one more rejoiced than I did in that measure of justice and policy which was sanctioned by the Parliament in that year. But it certainly was accompanied by circumstances the most unfortunate that could possibly accompany a measure of feeling and conciliation. In the first place, after having been refused year after year to the supplications and petitions of the people of Ireland, it was accomplished at a time when the Catholic Association of Ireland had assumed the most menacing attitude, and when many Members of this House, forming a very considerable minority, and which was, at one time, led by a noble Lord opposite, the Member for Buckinghamshire, (the Marquess of Chandos), would have said, that it was a concession made to fear, and not inspired by a sense of justice. The misfortune of that impression in the first place was, that those who had gained this victory in Ireland, not relying upon the sense of this country in having obtained a triumph for them, thought that a repetition of the means by which they had succeeded, that a return to a system of agitation, would gain for them any object they might afterwards urge. The measure of Catholic emancipation had another fault: it was carried into effect by those who, till the moment they proposed it, had led the people of England to believe, that they were the firmest opposers of any such measure. The Prime Minister, the Lord Chancellor, the Home Secretary—who was the leader of this House—had one and all declared in the previous session, that an alteration in those laws regarding Catholics, involved a fundamental change in the Protestant constitution of this country, and would be accompanied with great danger to the state. When it was urged upon them, that no apprehensions of such consequences had been expressed in many places, their answer was, that the cry of danger to Church and State had not been universally raised, because there was, on the part of the people, a firm reliance that they would give the most uncompromising resistance to any alteration of those laws. But in the next session of Parliament, concession was made, and it brought upon the Government which made it a host of invectives, a series of the most violent denunciations and declamations, in which it was declared, that the people of England had been deceived, that their just expectations had been betrayed, and that those to whom they had looked for support, were still more dangerous (according to the expressions of one Member of this House at that time) than the very Jesuits they professed to abhor. There was also this mischief accompanying that act, that the people of this country, seeing this unexpected concession, because, under the guidance of the noble Marquess, who had not then such implicit confidence in the right hon. Gentleman, as he appears to have at the present moment, after supporting him with their petitions in a motion to reject the third reading of the bill, became exceedingly sensitive and jealous as to any further proposals that might be made with regard to the Roman Catholics of Ireland. Sir, we had to struggle with the difficulties which have been incident to that measure. We have had to struggle, first, with that agitation which called for the Repeal of the Union, and which we firmly opposed. We have had to struggle against those disorders in Ireland, to remedy which we had recourse to that violent and unconstitutional—but which we thought necessary—measure, the Coercion Bill. Sir, after this measure, that expectation on that part of the people of Ireland, that everything was to be yielded, because it was asked, in some manner was checked, and it at last subsided; but it did not subside until the Members of the present Government had, by their measures and conduct, infused a feeling of confidence into the minds of the people of Ireland, that justice should be done them. Sir, the first resolution carried by this House, upon which that confidence was founded, is the resolution, which it is now proposed to rescind. That was a resolution stating, upon grounds, as we thought, unimpeachable, a regard for the interests, and a just consideration of the wishes and feelings of the people of Ireland, and embodying the substance of their own petitions. If you rescind that resolution, you adopt another course of policy, and it is now the question, "What course of policy do you adopt?" For an answer to that question, I must look to those who proposed the Catholic Emancipation Bill, and who proposed it under the circumstances to which I have alluded. Have they, according to the principles of that bill, endeavoured to procure for the people of Ireland those advantages and that community of rights and equality of privileges, which it was the object of the bill to obtain for them. What has been their course with respect to the Municipal Corporation Bill? They deny corporate rights to the people of Ireland, because, as they assert, they are unfit to enjoy them in common with the people of England and of Scotland. What has been their conduct generally with regard to administration in Ireland. Why, they have formed a close union with those who were the most decided enemies of Catholic Emancipation; they have formed a close union with those who violently opposed that measure, and who declared that it was inconsistent with our Protestant constitution, and who would have fain prohibited the Roman Catholics of Ireland for ever from enjoying the rights and privileges which Englishmen enjoy. Why, then, it is to that course of policy you must return, if you rescind this resolution. It is to a course of policy which says, "True it is, the Catholic Emancipation Act is passed, and cannot be revoked. It was passed against our will. It was passed in consequence of the circumstances which then took place, inspiring dread and terror to a great degree among those who were then the advisers of the Crown. But although it cannot now be repealed, this shall be done—it shall remain a dead letter on the statute-book, and except by having seats in Parliament, and except by the privilege of taking the Roman Catholic oath at the table of this House, no Roman Catholic shall ever partake of the advantage of that measure which you have placed among your statutes." Such, I say, would be the effect of your rescinding this resolution; such, indeed, is the openly-expressed wish of many; nay, some even go beyond that, and express a desire that the letter of that statute should be repealed. But, Sir, there is still something beyond this in the language which has been held with regard to the people of Ireland. We ask for the people of Ireland a fair consideration of their interests and equal justice, as if they were part of our own community, and as if they lived in any part of the west, south, or east of this island. The language, however, that has been used, first by the press, since by many members of the Tory party, and lastly, by a very conspicuous convert to that party, of the justice and fairness of which towards the people of Ireland, I will leave it to the House to judge, is the very reverse of this. I am going to quote from a speech of an hon. Baronet who lately having been, as it were, a deserter from the ranks of reform, has not been placed in any situation of trust and confidence, as deserters usually are not, but has been sent abroad through the country as a kind of travelling courier, to expound the doctrines of the Conservative party to the people of this land, to explain the principles which they wish to see established, and to obtain, by means of recruits to those opinions, that majority in this House, by which their policy could be established. I will show you what he says of a portion of the people of Ireland, consisting of six millions and a half, and what language he thinks fit to address to his countrymen with respect to them. He says, "The people of Ireland, of whom Mr. O'Connell talked so much, were, he was grieved to say, the most miserable, ignorant, popish, priest-ridden populace, and superstitious to a degree, of the inveteracy of which Englishmen could form no conception. When Mr. O'Connell talked of the Irish, he left out of his consideration the Protestants, comprising nearly all the property, intelligence, honest independence, and real importance of Ireland." As for the Catholic gentlemen, as for the Catholic merchants and Roman Catholic farmers of Ireland, property, intelligence, honest independence, and real importance, did not belong to them. But there is a moral to this description; it is not merely a description for the sake of informing his audience what kind of people these Irish may be, but as one who has travelled in those parts. For he says further, "The Irish boasted of coming from Carthage, and certainly they were Tyrian in one respect; they were double-tongued. The Irish were, in many respect, the antipodes to the English, and it was absurd to propose, that they should have the power of establishing popish municipal Corporations in Ireland." There is, I say, a moral in all this. You are to pour out every term of abuse upon the people of Ireland; you are to designate them as being ignorant, popish, priest-ridden, and superstitious; you are to describe them as men of no property, of no intelligence, of no importance in the country, as compared with the Protestants, and all this you are to do in order that you may be enabled to deny to them their fair demands, and be enabled to say to them:—"Whatever the people of England and Scotland may have, you are unworthy of corporations—you must never look to be treated as equal to Englishmen, or have intrusted to you the franchise of self-government; you are a superstitious herd, and far below our consideration to legislate about." That is the policy which is put forth by those who endeavour to obtain the assent of the people of England to rescinding these resolutions. Sir, as frequent allusion has been made to a quotation introduced by me on a former occasion, I will venture again to allude to it, and to allude also to that part of it which has always been carefully overlooked. In the course of a discussion in this House, I referred to certain words used by Mr. Fox; I did not quote the words themselves, but gave the purport of them. It was a passage in which Mr. Fox said, that if you concede and find that the concession is not sufficient, you ought to concede again, and endeavour to please the people of Ireland. I referred to these expressions as having fallen from Mr. Fox as a prelude to the words which I was about to quote. Had they been the words of any great orator of antiquity, had they been the words of Demosthenes, or of Cicero, no doubt a fair interpretation would have been given to them, and it would have been said, "These are the words of an orator; this is his warm and fervent manner of giving utterance to his desire that the wishes and feelings of the people of Ireland should be consulted." But, while these expressions have been carefully noted nd quoted over and over again, yet the words which I really quoted from Mr. Fox himself, and to which they were only introductory, have *ex majore cautela,* been omitted. Mr. Fox said:—"My wish is, that while the whole people of Ireland should have the same principles, the same system, the same operation of Government; and, though it may be a subordinate consideration, that all classes should have an equal chance of emolument: in other words, I would have the whole Irish Government regulated by Irish notions and Irish prejudices; and I firmly believe, according to another Irish expression, the more she is under the Irish Government the more will she be bound to English interests." The whole meaning of these words, and particularly the beginning of the passage, is, that the same operation of Government should be extended to all classes of her Majesty's subjects, whatever may be their creed—that a Protestant sheriff should not be appointed and a Roman Catholic be excluded for the sake of getting unjust juries —that there should be no partiality in granting the franchise, so that municipal power should be monopolised by Protestants and refused to Roman Catholics—that, with regard to offices and emoluments, the profession of the Roman Catholic faith or of the Presbyterian faith should be no bar on the part of any man to his possessing a civil qualification. These were the enlarged principles upon which Mr. Fox proceeded. They are principles which have been since sanctioned in great part by the Legislature, and they are the principles upon which the Administration of Ireland has proceeded. And, Sir, let me tell you that I believe these principles to be not only just, to be not only politic, but I believe, that they are the only safe principles on which the Government of this country can proceed. You have deprived yourselves of the means—whether it would have been wise or not to have retained them—of keeping the Roman Catholics in that degraded condition in which an hon. Baronet has stated them to be. They must have wealth—they must have importance —they must gain professional honour—they must acquire from day to day, as Ireland makes progress in trade and agriculture, more and more importance—they are in number six millions and a half—they are in influence and in intelligence daily increasing; and I tell you it is not safe to use these people with contumely and contempt, to foster in them feelings of alienation, and to think that you can maintain the empire of this country in the same state in which it has been in former days upheld. I have recently seen a quotation, a part of which ran thus:—*discordiâ maximâ res delabuntur.* That maxim may be applicable not only to a party but to an empire. If you will stand together with Ireland, if you will make Ireland the strength of your strength, a part of your united body, then, indeed, with respect to any convulsions that may take place, with respect to any dangers that may threaten you, you may have the power to defeat and overcome them; but if you divide that strength, and have three-fourths of the people of Ireland against you, and then have an insurrection in your colonies, or be threatened with danger from foreign powers, your means of defence, I say, will be crippled, and your power for future exertions greatly impaired. You can no longer keep the people of Ireland subject to your sway as if they were a low, a vile, and an alien race. You cannot hope to maintain the empire on these conditions. It is, therefore, on those opposite principles that I think the contest will have to be maintained. If the hon. Baronet should succeed in his proposition, I do consider that it will in effect be reversing the policy on which you have, during the present administration, proceeded. It will be proclaiming to the whole people of Ireland—and they must expect it—that even in the rudest and harshest mode the Government will be maintained. You must be prepared to avow this to them. You cannot say at once that they are ignorant, priest-ridden, superstitious, and governed by a desire to subvert the Protestant constitution, and that you nevertheless have confidence in them. You must do one thing or other; you must either say with me, that they are fit to be confided in—you must say, "We do confide in them, we join with them heart and hand as part of the empire," or you must, on the other hand, say, "You are unfit to be confided in, you are unfit to be trusted; and our utmost means will be used to keep power in our own hands, and place none in authority in Ireland but those who belong to that party most adverse to the majority of the people." You must say for the future, that you repent the line of policy you have hitherto adopted, and that these harsh means are those upon which you rely for maintaining your power. I entertain the strongest opinion of the propriety and justice of the course which the majority of this House has hitherto pursued, and I call upon this House, as it values the peace of Ireland, and as it values the strength of the empire, to go with me into the careful consideration of this question, and to reject the proposition which the hon. Baronet will make. I move, Sir, that you do now leave the chair.

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* Hansard (third series) vol. xxxviii. p. 1683.

Sir T. Acland rose and moved that the resolutions of the 7th and 8th of April, 1835, be entered as read. [" *Read, read.*"]

The clerk, at the table, accordingly read the resolutions as follows:—

"That any surplus revenue of the present Church Establishment in Ireland, not required for the spiritual care of its members, be applied to the moral and religious education of all classes of the people, without distinction of religious persuasion, providing for the resumption of such surplus, or of any such part of it as may be required by an increase in the number of the members of the Established Church.

"That it is the opinion of this House, that no measure on the subject of tithes in Ireland can tend to a satisfactory and final adjustment which does not embody the principle contained in the foregoing resolution."

Sir *T. Acland* said, that if the simple proposition of moving the rescinding of those resolutions to which from the first time he had heard them he had always entertained the strongest objections, he could suppose himself to be instrumental, in the slightest degree, to the maintenance or support of a harsh mode of government in that part of the United Kingdom, which for years past had been the most interesting portion of the community, he should, indeed, shrink from the task he had undertaken—a task to which he felt himself utterly inadequate, and which, circumscribed as his abilities were, he would not have undertaken if he had thought it necessary to inflict on himself an examination into the general condition of Irish policy, still less to have involved himself in recommending anything harsh or unkind towards that country. For many reasons, he felt with such a motion as that with which he should conclude, that he must request the indulgence and fair construction of the House upon the very few words which he should presume to offer to its consideration. Of the noble Lord's speech, the first fallacy which struck him was the last observation which fell from the noble Lord. The noble Lord had said, that it was possible the effect of rescinding these resolutions was only commensurate with the wish to introduce a harsh mode of government into Ireland. Now, he begged to say, that his object was simply the maintenance of the long-established rights of property in the United Kingdom, and when he came to that point, he thought he could show, notwithstanding what had fallen from the noble Lord, that the noble Lord's words did convey an impression that the maintenance of the Established Church in Ireland was by him considered to be inconsistent with a mild and paternal Government in that country. Such a Government, not only the noble Lord, but many of those to whom the noble Lord was opposed, felt to be essential to Ireland; and for himself, he felt quite sure, that without referring very far back, the little share he had taken in Irish affairs would acquit him from any such imputation as the noble Lord had raised, and he hoped he was not going too far in claiming the benefit of that acquittal now, when he stated, that he meant by rescinding those resolutions no more than to protect the rights of property, and that he had no desire to return to that harsh and severe policy under which Ireland had so long suffered. But his noble Friend, at the very outset of his speech, had charged him with having no better reason for this motion than the wish to foment political bitterness and disappointment, and to prevent the dispassionate and satisfactory settlement of the question. He was, however, sure that he had no wish to foment political bitterness on any occasion, and so far from preventing a dispassionate settlement of this question, he believed that the course he proposed to the House to pursue, afforded the only mode of arriving at such a settlement. The noble Lord had imagined, that the course he was now taking must have been suggested to him by a most distinguished prelate of the Church, his own diocesan. Perhaps, the noble Lord's recollection would serve him to put a different construction upon his views. Perhaps the noble Lord would remember, that when the county of Devon lost in the noble Lord, a Representative, who for talent and personal character was not only not to be objected to, but of whom the country was proud, that the real reason of that loss was the very resolutions which the noble Lord had successfully carried in that House. On that contest, the noble Lord had asked for no benefit of the clergy, he rested upon public opinion; in that public opinion he had shared, an opinion now greatly increased and increasing amongst the community, and exhibiting an aversion to carry reforms in favour of others, so far as to render insecure their own longest established property. As yet there was no property, the title to which mounted higher than that of the Established Church, whether in England or in Ireland. If the noble Lord wished him to give another reason for interposing this motion at the present time, he would take the liberty of quoting an example which the noble Lord would not disclaim. He believed he was to-day, only following the course which the noble Lord, three years ago, himself followed on the introduction of these very resolutions; and why the course which was good in enforcing those resolutions should be bad when the endeavour was made to rescind them, he had yet to learn. If he was not much mistaken, the noble Lord interposed those resolutions when the question was not an abstract, but practical enough. The then Government were, at that time, endeavouring to conciliate their opponents on this most difficult of Irish questions, by bringing down for the consideration of the House measures, of which, as well as he (Sir T. Acland) remembered, one of the censures was, that they were carrying away the credit which belonged to their opponents. He knew, that in the various tithe bills proposed to the House, there had in all been variations, even in those brought forward by different Members of the same Government in succession; but he thought he did not go too far when he stated, that the Government of the right hon. Baronet the Member for Tamworth was at the time to which he alluded engaged in the very same object for which the noble Lord now claimed credit. He would not say for what purpose the noble Lord had at that time proposed his resolutions, but he well knew, that one of their effects was, to remove the Government to which the noble Lord was opposed. Such an object or effect, he disclaimed on this occasion; but the effect of the noble Lord's resolutions had been to put a stop for that year to the measure introduced by the Secretary for Ireland at that time—a measure in which great efforts had been made to accommodate the provisions of the bill as much as possible to the general feelings of the House and of the country. It was true, that the opinion of the noble Lord—an opinion which had been before maintained by the hon. and learned Member for Dublin—was, that the bill wanted something; and amongst other alleged advantages was one to which hon. Members now on his side of the House could not accede. He repeated, that to-night he had only followed the example of the noble Lord; and if he had unwittingly fallen into the proposal of an object which might create a temporary excitement and angry feeling, he trusted, that the debate would have no other disagreeable quality than the noble Lord's own speech. But he would again shelter himself in the propriety of his course in seeking for a change of these resolutions under the noble Lord's own authority and his own reasons for submitting his own resolutions in April, 1835. What were then the noble Lord's views of the effect on the settlement of the Irish tithe question when he called for the acquiescence of the House to his resolutions? He was naturally anxious to inform himself of some of those arguments by which the resolutions referred to were enforced. He had examined with attention the speech of the noble Lord upon that occasion, and had not proceeded far, before he found him entering on a line of justification of his conduct to the House, which he trusted the noble Lord would not claim entirely to himself, nor refuse to him the permission to extend the same justification to himself.

"If the House" said the noble Lord, "be determined to confine the revenues of the Church to purposes strictly ecclesiastical, it is better for that determination to be declared; but if the House is not of that opinion, it is certainly of no use for us to be passing through the different stages of the Bills for the commutation of tithes. We ought not, in my opinion, to proceed with that Bill while this great question is unsettled—while it is yet unknown whether the Ministers and House of Commons agree as to the question, or are at variance upon it. I think, Sir, that this consideration is a full justification of the course I take in proposing this resolution to the House."*

Now, *mutatis mutandis*, he thought himself also perfectly justified in the course which he was now pursuing. In the first place, he would frankly acknowledge, in common with many individuals belonging to different parties, and in common, as the noble Lord had that night said, with those who were most deeply interested in the question—the prelates and clergy of the Established Church in Ireland—he would frankly acknowledge the conviction which he had entertained, that there was mixed up with these resolutions his old enemy, the appropriation clause. But, on a more careful examination, and chiefly upon a consideration of what had fallen from the noble Lord on that evening, he had no hesitation in admitting, that it was not in any direct sense alluded to. He was deeply impressed, however, with the conviction that it was impossible for those who felt with him upon this question to enter fairly into its consideration, without dealing broadly and aboveboard with the subject of the appropriation clause. That clause did not exhibit itself in terms in the resolutions which the noble Lord had that evening proposed. " I am not sure" continued the hon. Baronet, " that it is there at all. But I am not singular in entertaining the belief, that if you had employed all the ingenuity and professional casuistry of the Court of Queen's Bench, you could not have drawn up your resolutions more effectively with the view of mystifying your intentions, and keeping us to the last moment in ignorance as to whether it is or is not your determination to abide by and enforce this principle of appropriation, against which so many of us are arrayed." He trusted, that this would afford a sufficient justification of his conduct, and exonerate him in the estimation of hon. Members, whatever view they might take of the question under discussion, from the charge of endeavouring to scatter over the country the seeds of dissension, or of seeking to embarrass the settlement of this much disputed question of tithes. But he had a stronger view to put forward upon this subject, and one indeed which the noble Lord had touched upon in the latter part of his speech, when he stated to the House, that in the rescinding of this resolution a further and more important effect was sought to be attained. His object certainly was to reverse, if possible, the principle of this resolution, and ascertain whether the present Parliament felt upon this subject as did the last. They had often heard it insisted upon, that it was most inexpedient to resort in any case to the assertion of an abstract resolution as no one knew to what it might subsequently lead. He did think, that when the noble Lord asserted the principle of this resolution, and attained, at least, one result—that of changing totally, in a great measure, the policy of this country with respect to Irish questions—the noble Lord had, by no means, anticipated that he was raising against himself a still greater mass of difficulties than that which he fondly expected to dispel by the aid of this resolution. It was now three years since they were told, that the only remedy for the tithe question, the only remedy which would give satisfaction to the country at large, and lead to a final adjustment, was the adoption of the principle of making over the so-called surplus revenues of the Church of Ireland " to the general education of all classes of the people without distinction of religious persuasion." During the three years which had intervened between that period and the present time, what progress had been made towards effecting this adjustment? Need he advert to the quantity of valuable time which had been lost to the last Parliament, in thrusting forward those bills over and over again, or to the very inconvenient position of collision in which the two Houses were over and over again placed upon this question, without effecting any substantial advance towards the attainment of that which should have been the object of their legislative endeavours? The noble Lord had asked him why he did not move—as he was in the humour of moving for the rescinding of resolutions—to rescind a resolution which had been passed by the House, to the effect that it was expedient that a provision should be made for the maintenance by law of the Roman Catholic clergy exercising religious functions in Ireland. The noble Lord's reason for asking him that question was, doubtless, because he had supported that resolution. He would only observe, in reply, that he had not, upon that occasion, voted for taking the money out of one man's pocket and putting it into the pocket of another. He had not, upon that occasion, voted for the enriching of one Church at the expense of another. He saw no occasion whatever to repent of his conduct on that occasion; but, benefitting by some of the observations which had fallen from the noble Lord that evening, he thought he had a right to consult that to which the noble Lord had alluded, the *inclinatio temporum*, and the inference appeared to him quite obvious, that that which might then have been very beneficial might, from change of circumstances, become totally the reverse. But what was of still greater importance was the consideration that the resolution to which he at present alluded, and which was intended to form the foundation of a bill to be introduced at a particular period, did not presume to dictate to after times. It did not presume to dictate what should be a necessary condition of granting redress in all the lamentable existing circumstances which had been stated by the noble Lord —what should be the inexorable condition of granting that redress, even though it were known to be impossible that a large, and that not the least valuable, portion of the community, could ever upon principle accede to that condition. "I object," proceeded the hon. Baronet, "to your appropriation clause, I resist it wherever I find it. If I think it lurks beneath any specious cover, I will drag it into light; and I trust to reap one advantage, if no other, from my motion for rescinding this resolution—that I will bring the whole case clearly before the eyes of the country; that, however eager may be your desire for a time to conceal your bill, from an anxiety not to exhibit your intentions in their true colours, lest you should damage your present position—however convenient you may find it to pursue this course, we have drawn from the noble Lord an acknowledgment, qualified, I admit, though I differ altogether from him in most of the views which he has put forward upon this subject, and I further dread the influence of the principles which he has here advanced, especially when they are pushed to their greatest extent by those who have not discretion to control them, like the noble Lord—we have drawn, I say, an acknowledgment from the noble Lord, that he thinks the best mode of governing Ireland is to rob her Church Establishment of a certain portion of her lawful and acknowledged revenues, which he is pleased to call a surplus, but which others will characterize with less delicacy hereafter. We know that the noble Lord considers, that the way to tranquillize the Irish people, is to put our hands in the pockets of her prelates and her clergy; and tells us, the Opposition, that we must either conform to his policy, or adopt the harshest possible mode of governing Ireland. Now, without thinking it at all necessary to subscribe to these views of the noble Lord, my object is to ascertain whether it be really the opinion of the present House of Commons, as it was of the last, that "any surplus revenues of the Protestant Church Established in Ire-Ireland, not required for the spiritual uses of its members, shall be applied to the moral and religious education of all classes of the people without distinction of religious persuasion. [*Ironical Cheers from the Ministerial benches.*] The cheer, observed the hon. Baronet, which was raised upon his reading the words "moral and religious education of the people without religious distinction," did not at all affect him. He did not hesitate to make this avowal. He thought that there could be no more legitimate appropriation of the revenues—not of the Church, but of her close, and, he trusted, long to be connected ally, the State. He trusted, that he would ever be found very far from desiring to alienate that most important element of our national prosperity. He was not one of those who was disposed to make any difficulty as to the provision of abundant means of education for the people—whether the Church or the State was to provide them was a question which it was not his business now to discuss. But he thought it right to guard himself against the imputation, as justly applicable either to him or to any other hon. Member supporting this motion, that they sought to rescind these resolutions, because they were opposed to the principle of educating the people without religious distinction. It was not on that ground he objected to the alienation of the property of the Church. But his main objection was, that the second resolution, as far as words could express meaning, went to establish the principle, that the settlement of the question of tithes, of all that could really be urged as a grievance, that could fairly agitate the minds or affect the interests of the Irish people, was linked by the resolution to the idea of an imaginary surplus, the existence, or probable existence, of which had not yet been proved, and with which, if it did exist to-morrow, those of the Irish people who did not belong to the Established Church were not in the slightest degree connected, nor could they legitimately take in it the slightest degree of interest. It was one thing to regulate the collection of these revenues, but another thing to misappropriate them. In the attainment of the former object, he would fully and willingly concur. He was disposed with the utmost fairness and candour to proceed to the redress of any practical grievance. The resolution which he had formed, as far as he had any means of forming a judgment upon these questions, was favourable to concession. He was not a person actuated by prejudice on the question of municipal corporations, and there was no hon. Member in that House more fully disposed than he was to enter fairly on the consideration of any question that could tend in any way to the practical relief of the grievance. But he was, at the same time, unwilling to sacrifice the property of the Church for the attainment of a totally distinct political purpose; and he thought it exceedingly inconvenient to attach to the question of providing a suitable education for the people, another subject with which it could not fairly be united, and with which the great body of the Irish people had no connexion. When the rent was brought into the landlord's coffers, what connexion had the rent-payers with the manner in which it was applied? He, therefore, without hesitation, called on the House of Commons to determine, in the first instance that the adjunct of that condition had not been proved. He had this great advantage over the noble Lord opposite in the comparison which he had instituted between the course followed by the noble Lord in 1835 and that which he (Sir T. Acland) now pursued. It was curious, that though in the quarter opposite, anything interfering with the freedom of debate was theoretically decried, he found the noble Lord imposing fetters on the freedom of their discussion within the walls of that House, by passing a resolution which it appeared, that he intended to be irrevocable; and all that he asked of the House was to relieve themselves from this uncalled for restriction. It had operated as a check upon their legislation for three years. The sole reason why the tithe question had not been settled in 1835 was the difficulty in which the Government had placed itself and the Houses of Parliament by means of these resolutions. The expressions contained in the second resolution were of the strongest nature—"that no measure upon the subject of tithes in Ireland could lead to a satisfactory and final adjustment which did not embody the principle contained in the foregoing resolution." This was a direct interference with their freedom of action, on the one hand, while it directly assailed the Irish Church, on the other. And the Church of Ireland could scarcely refrain from receiving any further issue of coin which might proceed from the same min with suspicion. So far from being actuated by the remotest intention of introducing dissension into the discussion of this question, he conceived, that his proposal was by far the most likely to induce a general agreement between both sides of the House. Did they think, that there was much difference between what they said and what they did in the eyes of the country? Were they to continue to look upon this as a mere question of strength of position between one party and the other, and to be, therefore, ashamed to acknowledge, that they could not act up to the spirit of their resolution? Were they ashamed to rescind the resolution? He would frankly own, that he could see no invincible reason why some good measure should not result out of some of those bills which had been introduced at various periods by the noble Lord, the Secretary for Ireland, always excepting the appropriation clause. But there was a difficulty in ascertaining what the noble Lord, the Home Secretary meant. When at the very moment that the noble Lord said, "No, I'll not give you the appropriation clause," he also said, that there was no other means of governing Ireland but by granting the appropriation. Undoubtedly the noble Lord had the full right—taking into consideration the whole of his policy towards Ireland—he had the full right, so he did it, only, in a frank and manly manner—to reserve one portion of a measure which he found by experience to be a check and an impediment to the carrying of another portion. He acknowledged that the noble Lord had the right. He did not blame the noble Lord, on the contrary, he rather praised him, that, for the attainment of a great object, the noble Lord was willing to lay aside, as far as possible, even the pride and tenacity of party. After detailing his proposition that night, " Don't imagine, said the noble Lord in effect, " that I don't reserve to myself the right of bringing forward the other resolution." The noble Lord had certainly a right to do this, if he thought proper; but when he called on the House of Commons to assent to one portion of his proposition on the ground that the other was abandoned, when it was abandoned in effect, he had not the right to retain at the same time the advantage of having recorded it as an immutable principle. Under all the circumstances, any measure proceeding from the noble Lord upon this subject, must be met with suspicion. All that he desired with reference to the resolution in question was, that it should meet with a " clear stage and no favour." The noble Lord might have a fair trial of the strength of opinion upon it if he pleased; but let him not endeavour to retain an advantage which for the present he disclaimed, but which it was not at all improbable, that some other person might be induced to bring forward at some stage in the future progress of the measure. He had already detained the House for a greater period than he had originally intended—for a greater length of time, perhaps, than it was proper that he should have spoken, considering, that the resolution had been debated for several successive nights three years since. In commenting upon it this evening he trusted, that he had not unfairly explained the grounds of his dislike to the resolution and of his desire for its discontinuance. He would accordingly conclude by moving that the two resolutions be rescinded.

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* Hansard vol. xxvii. (Third Series), p. 377.

Sir *J. Eardly Wilmot* said, that he had the greatest satisfaction in seconding the proposition of the hon. Baronet who had just sat down, and he must say, that he was of opinion most sincerely that the object which the hon. Baronet had in view was one which would be most useful to the Government and the country at large, for its effect would be to rescind the resolutions which had been passed in the year 1835, which were calculated to destroy the peace of the country, and which operated as a mill-stone round the neck, not only of the Government itself, but of Parliament. He had always been, and he should always be a zealous friend to the Protestant Church, and he would do every thing which lay in his power, and even more perhaps than some men would credit, to preserve and uphold its importance and its security; but he was not, nor had he ever been, a friend to the numerous corruptions which time and circumstances had called into existence in that Church. They had seen the necessity of some good judgment being employed on the subject of the Church Establishment and the want of education, and they had heard from the noble Lord, two years ago, and heard now, that the resolutions which had been proposed were intended to remedy the evils which existed, and, besides, to improve the condition of the Established Church in other respects. He did think, then, and he thought now, that those resolutions were contrary to every principle of justice that any of the funds of the Church should be taken from itself, and that they should be given to those who were its enemies. Therefore the motion of the hon. Baronet was reasonable in itself, and one which he was bound to support. It might appear an anomaly to see him stand there to support a resolution such as that proposed by the hon. Baronet, when it was considered that he had hitherto kept aloof from all party shackles, and from doing or saying anything which might compromise his independence, but he begged leave to tell the noble Lord that he did not stand there on the recommendation of his diocesan, nor to excite any angry debate, nor to defend himself from any reports or statements which might be circulated in respect of him, nor did he desire to defend himself from a union of hon. Gentlemen who differed in opinion with him — an impression which he thought came from the noble Lord with a very bad grace. He had made no close alliance with any party on this subject who had indulged in the use of vituperative language, which, however violent it might be could have no ill effect on the Conservatives. He knew well that that word " Conservative " was not at all agreeable to the noble Lord, because he knew that he and other hon. and right hon. Gentlemen had always endeavoured, when any question was proposed on which that party was likely to succeed, to confound Toryism with Conservatism, and had raised the word " Toryism " as a watchword, and as a sort of " raw head and bloody bones," of which all should be suspicious, in order to draw closer the links of those with whom they had at least a suspicious connexion; they had endeavoured to confound the two together, with a view to produce a prejudice in the minds of the public, founded on the evils which, he was prepared to admit, the Tories had brought on this country. But there was no man in his senses who saw the difference between Whiggism and Radicalism who must not also see the difference between Toryism and Conservatism—in fact, there was the greatest possible difference. A Conservative was a man who had left Toryism, and who desired to preserve a constitutional and a rational reform; and a radical was a man who had adopted a particular line of proceeding with a view to obtaining everything which was irrational and unconstitutional. It was on these grounds that he stood, and on these he would stand or fall; alike whether it was in 1688 that he joined in throwing a Catholic Monarch from the throne, or whether it was in 1838 that he stood forward to rescue the Crown from Catholic supremacy. On these grounds he supported the resolution which had been proposed by the hon. Baronet.

Sir *Charles Lemon* said, that he had always joined with those hon. Members who had voted in favour of the appropriation clause, and that he should always consider, that he was bound to pursue the same line of conduct; but the question now was, whether they should have that as a law which had passed into oblivion, and whether the system which had before been advocated should be revived in order that the proposition for its adoption might be once more negatived. With all that had fallen from the hon. Baronet opposite, the mover of the resolution, he fully concurred; but he saw no reason why the hon. Baronet should not also agree with him that, as this measure met with his approbation, he should not turn round and look only to that which had passed. Why was such a step as this ushered in with a preparatory dinner? No hon. Member could look back to what had passed during the last three or four years without being persuaded that no individual Member could ever bring forward so practical a measure with the least hope of success. Evils had already resulted from the course adopted by hon. Members in making speculative declarations of their opinions, which would never have been made if they had been called upon to consent to those measures which were subsequently laid on the table for practical purposes; for the effect of such proceedings was a shout of triumph all over the land, and all the horns of the press were blown in triumph and exultation, while the Church itself acquired no security which she did not now possess. He was under the necessity of voting in opposition to the resolution of the hon. Baronet.

Mr. *Colquhoun* was fully impressed with the importance of the subject, and would contend that the attention of the House was bespoke by the fact of the appropriation clause having never been introduced into any of the measures which had hitherto been brought forward by the Government. He would ask, then, was it not worth while for the House to look back, and to rescind those resolutions which had been passed in favour of a plan which had never been adopted? It was remarkable that the noble Lord, who now stated it to be of no importance, had told the House in 1835 that no plan could be final and satisfactory which did not contain an appropriation clause. Would the House allow him to call their attention to the confirmation of this principle since that year? It was very well for hon. Gentlemen to say, it was of no importance, but he would call their attention to the real state of the Irish Church, and he would point out the object of the leading opponents of the Church of Ireland, who were relied on by the Government for the purpose of procuring a settlement of the question. The hon. and learned Member for Dublin, and the hon. and learned Member for Tipperary, who were the most important individuals of the representation of the popular party in Ireland, had told them that taking off 40 per cent. would not secure peace. The hon. and learned Member for Dublin had said, that he supported the measure already brought forward, not as giving the Irish all they wanted, but as giving them part; and he had again said in 1834 that he demanded three-fifths only because he expected that he must get the remainder at some future time. He would point out a more important statement to show the real object of the two hon. and learned Members to whom he referred. In January, 1836, the hon. and learned Member for Dublin said, that the Government had the duties of seven centuries to perform, not the least part of which was to secure the abolition of a system by which seven millions of people were compelled to pay for the support of the clergy to whose doctrines they were opposed. It was clear, then, that this object was not the reduction only of tithes or the appropriation of a part only, but he was striving to secure the entire and complete removal and extirpation of the system. The hon. and learned Gentleman should be judged by his own language, and as the Government were in the habit of taking him as the exponent of the popular feeling in Ireland, the House should have an opportunity of judging what was the real object which the popular feeling had, and they should have an opportunity of judging whether the plan which the Government proposed was that which was likely to secure good results in Ireland. For his own part, if it could be shown, that the appropriation clause had the slightest tendency to produce peace in Ireland, he would consent to its standing in any measure which might be brought forward; but if he could satisfy every candid man that the plan proposed by the Government in 1835 had no tendency to produce that most desirable effect, but that, on the contrary, it would lead to the wide dissemination of discord, he was sure the House would not consent to adopt the advice which had been given to them by the noble Lord. The hon. and learned Member, to whose speeches and writings he had already referred, had again, in stating his views and opinions in reference to this subject, said, that no man should be compelled to pay for the support of a Church of which he was not a Member, and, therefore, that no settlement of the question of tithes could be arrived at likely to give satisfaction to the people of Ireland, which was not founded on the principle of the total extinction of tithes in that country. In his letter to Mr. Beaumont the hon. and learned Member stated, that that Gentleman had correctly interpreted the feelings of the people of Ireland, and he added that Ireland should not be trampled on, and that the population of all countries should be placed on the same footing, and that until a measure was granted by which this object was secured, so long as it remained in his power he would continue to agitate; and he added, that so long as the power remained in the hands of the Protestants to take the property of the Catholics, so long should turmoil reign in Ireland. Now, if those principles were to be acted upon, the effect of them would be nothing less than the annihilation of the Protestant Church in Ireland. There was to be no peace, no suspension of agitation so long as the law remained that one farthing was to be paid by a Catholic to a Protestant clergyman, or in any way which should go to support the Protestant Church. If the House would now allow him, he would call their attention to the policy of the Government. The statements which he had referred to having been made by the hon. and learned Member, and his avowed principles being those which he had pointed out, what did the Government do? The right hon. Gentleman the Chancellor of the Exchequer, in 1835, said, that the plan proposed by his noble Friend did not go to the abolition of Protestantism in Ireland, and he contended that it was the object of the House of Commons to support the establishment there; and the noble Lord the Secretary for Ireland said, that the Government hoped to maintain the existence of the Established Church, and denied that any violence was intended to it. Now, on the one hand, there was the statement of the hon. and learned Member, on whom the Government relied, that nothing but the extinction of the tithe system would satisfy the people; and on the other hand, it was said, that the object of the measure which was brought forward was to support and to secure the position of the Church. Could there be any policy more inapplicable to the condition of Ireland, than that which had been adopted, or which was likely to produce more disastrous results? If they desired to act on the principle laid down by the hon. and learned Member for Dublin, and which it was said was alone calculated to produce peace, and a satisfactory settlement of the question, then let them introduce the popular measure, the effect of which would be to sweep away the Protestant Church; but if they were to adopt the measure of the noble lord, they must admit, on the statement of the hon. and learned Member for Dublin, that it would not produce that tranquillity which was desired. He was aware that hon. Gentlemen opposite were disposed to consider the question of the Irish Church as one of peculiar difficulty, and that they would say, that it was a question distinct from that in reference to the English Church, and that, considering the extreme delicacy of the subject, the best measure had been adopted. But would the House allow him to call their attention to the fact, that the same principle of appropriation had existed in both cases. In 1834 a proposition was made by the dissenters, that in place of the church-rate another plan should be adopted to secure the property of the Church. At first the noble Lord was strongly opposed to the measure, but at length, in 1836, he was found to have taken quite a new view of the question; and since that time, in the autumn of the same year, there was a great agitation among the dissenters, and a demand was made in February, 1837, that there should be taken out of the property of the Church the sum which they had formerly declared public property. The demand was acceded to by the Chancellor of the Exchequer, who introduced his church-rate plan, and since that time discussion after discussion had taken place on the subject of the same principle, and it was on this that the appropriation of the property of the Church to the purposes which did not belong to it was proposed. He would, therefore, implore the House, believing this principle to be unsafe, as it was suggested, to the Church, to retrace their steps, and to expunge from the records of the Parliament the opinion which they had already expressed in the year 1835.

Lord *Leveson*, in rising to express the opinions which he entertained on this most important subject, must hope that the House would extend its indulgence to him. He had listened attentively to the speeches which had been made by hon. Gentlemen on the other side of the House, and he thought, that no one could doubt, that the hon. Baronet by whom the amendment to the motion of the noble Lord had been made, had been actuated by conscientious motives in bringing forward this subject; but, at the same time, he did not think, that the reasons which had been given by the hon. Baronet for his taking that course were sufficient to convince the House of the expediency of affirming the motion which he had submitted to their attention. He was not sufficiently versed in Parliamentary customs or proceedings to be able to give an opinion which would carry much weight; but he could not do otherwise than express his dissatisfaction at a custom which existed of quoting the expressions used by hon. Members in former debates in reference to subjects at the time under discussion; and he thought, that this mode of proceeding was one which was likely to give rise to much inconvenience, as the system might as well be carried back to the debates which had occurred in the reign of William 3rd, or in the Long Parliament itself, as to more recent periods. No one could doubt the truth of the declaration of the hon. Baronet, that in making the present motion his only object was to procure the settlement of the question; but he must say, that no one could conceive a motion better devised to put a stop to that settlement than that which the hon. Baronet had brought forward. He must also believe, that the hon. Baronet acted with no intention whatever to turn out the present Ministry, but although he placed confidence in this statement, he did not quite believe, that it was the general feeling of the party to which the hon. Baronet belonged, and there were some of them, no doubt, who deemed it a question on which it was desirable to procure as many as possible to vote in their favour, without considering whether it were worth while buying the triumph at such a price as the putting a stop to all settlement of the question, and as the danger which would be the necessary consequence of any delay in some decisive plan being devised and adopted. It was these reasons in particular which caused him to object to the motion, being himself a well-wisher to the Established Church. He was glad, that he had the opportunity of recording by his vote the expression of his approbation of the resolutions and of the clause, and of showing to the country, that it was his wish to strengthen the means of the Church in Ireland, as well by the ordinary means of supporting its constitution, as by an endeavour to advance the moral improvement of the people by means of religious instruction. The hon. Baronet opposite had talked about the money being taken out of one man's pocket and being given to another man, but what had been said of the revenues of the churches during many centuries? Were not the means of the Church originally intended for specific purposes—for the celebration of masses, and for the assistance of the poor; and were they not afterwards taken from the Catholic clergy and appropriated to various purposes—namely, for the endowment of churches, for the support of the poor, for keeping up churches, and for the support of incumbents. And had not the revenues of the Church, even by custom or other means, been gradually taken away from these purposes, and in Ireland had not various grants of the funds of the Church Establishment been made for lay purposes, and might they not now, if there should appear to be any surplus, appropriate that surplus to the purposes of general education, which would be even paving the way for the conversion of the people to the doctrines of the Established Church? There was, besides, another argument which, as a supporter of the Church, he was prepared to advance—the anomalous situation in which the Church was at present placed, and hostile as the people were to it, he put it to those hon. Members who really wished for its welfare, whether it were not better to put the people in a position by which its welfare might be secured, by advancing them in their moral condition, by giving them the advantages of education, than to leave them untaught, merely for the purpose of securing untouched the wealth of the Church? These were the opinions which he entertained, and he hoped he might be permitted to say, before he sat down, that notwithstanding the alarming presence of the 313 Members who had been so solemnly adjured to attend, the House would yet show, by its vote to-night, that it would resist a motion that would not only endanger the continuance in office of the present Ministry, but would entirely alienate the affections of the people of Ireland, and be in the end as destructive to the Irish Church as any measure that could be devised.

Colonel *Conolly* was of opinion that the hon. Baronet had selected the most appropriate occasion for bringing forward the present question, and that his motives were, in effect, to clear away the rubbish and the remains of opposition by which the consideration of the tithe question was encumbered, and to remove from the House the fetters which were on it, and which had been placed on it by another Parliament, and which it ought to take the earliest opportunity to remove. His experience convinced him of the necessity of such a step being taken, resting as it did on an acquaintance with the facts as they had occurred, and with the frightful consequences which had been produced in Ireland. He would refer to the time at which the resolutions were first proposed by the noble Lord opposite, and he would say, that they were put in an insidious way, which was such as to induce the House to fetter itself with them, without the latent design of the party being exhibited. They had since been the fulcrum in Ireland on which agitation had been worked, and had been the consequence of much mischief in that country. He was sorry to see, that the noble Lord had taken the course which he had pursued in speaking of the Established Church in Ireland, for the observations which he had made, in referring to it, were little deserved at his hands, and he was bound to contradict the assertion which he had made, and to say, that at no time had any church in any country been in more need of some improved regulation than the Protestant Church now in Ireland. He was confirmed in this statement by the high authority of Dr. Chalmers within the last month, and by the no less respectable authority of the Presbyterian minister, Dr. Cooke. He had already alluded to the animus with which the resolution had originally been brought forward, and he was prepared to state, that it was not for the purpose of introducing or adopting any particular plan, but it was with the intention of displacing the existing government and of putting another in its place. Was it fair Parliamentary conduct to lend themselves to such a purpose? Seeing the evil consequences which had followed from the carrying this proposition, and that it had been the source of distress to the loyal part of the Queen's subjects in Ireland; seeing that it had rendered those Ministers, whose duty it was to defend her Majesty's rights, and to maintain and uphold the religion of the State, no longer the defenders or maintainers of either the one or the other; seeing that it had been the main thing that had handed over the government of Ireland to the hands of agitators, he felt gratified that a proposition had at length been made to get rid of this source of inconvenience and evil. He was aware that he had been using strong language, but not one word which he was not able to prove, if necessary; and having seen with his own eyes the evils he had described, he felt himself called upon to state his opinions openly and boldly;

and, above all, when he found that those Ministers who had denounced the agitation of an hon. and learned Member in the King's speech, had lent themselves to the promoting of the views of that great agitator. He trusted that they would that night get rid of the appropriation question, as it kept the country in a state of agitation—it deprived the ministers of the church of their incomes, and, indeed, of their means of existence, and it had been the means of rendering property insecure in Ireland. As, therefore, the object of the motion of the hon. Baronet was to get rid of this origin of evil, he should take the opportunity of thanking the hon. Baronet for having made his motion.

Mr. *Slaney* stated, that as he had never voted before on this question, not having had a seat in the last Parliament, he felt called upon to state the reasons that would influence his vote on the proposition of the hon. Baronet. He was the less induced to blink the question in consequence of the course he felt called upon to pursue on a late occasion, when it was with deep regret, that, by an imperative sense of duty, he was induced to vote against his Friends around him, he meant on the resolutions relative to any surplus that might be derived from an improved mode of letting church lands, and he then did so because he felt that whatever surplus might be derived from church revenues should be devoted, in the first instance, to the giving religious instruction in connection with the Church in those towns and villages in which there were not now adequate means provided for that purpose. He admitted, that they had now before them something like a similar question with regard to Ireland, but he asked whether it were necessary to put him in a situation in which it was imperative on him to say whether any surplus which might arise should be devoted in one way or an other? This was not owing to any proposition then made to the House by his noble Friend, as the representative of her Majesty's Government, but it was entirely owing to the motion of the hon. Baronet, who called upon them not to give an opinion as to whether or not there was any surplus, or as to how it should be applied, but to declare that the resolutions of a former Parliament, should be rescinded, and to which he for one had been no party, as he had not then a seat in the House. He must, in giving an opinion on the subject, look to the *animus* which had dictated the resolution. He had no doubt but that the hon. Baronet had brought forward the proposition in that single-mindedness which characterised him, but he was sure that some evil genius must have dictated this course to the hon. Baronet. If he had been called upon to select a man on any side of the House who was more likely than another to sow peace and to stop dissension, and to pursue a course of conduct likely to get rid of angry feelings and animosities, he should have named the hon. Baronet as that person; could he then be otherwise than surprised that the hon. Baronet should have proposed this motion when he saw some dawn and glimmering of conciliation, and when such concession had been made as was likely to lead to the settlement of this great question, which professedly was so much desired by all, and this in conformity with the advice tendered by one of the greatest men that had ever lived in this or any other country—he meant the Duke of Wellington, and which advice had been followed by her Majesty's Ministers, who had that night brought forward a proposition which was likely to lead to the settlement of the question. He repeated, then, that he deeply regretted, that the hon. Baronet should have made this motion, although he had not the slightest doubt but that he was actuated by the purest motives. He regarded, with unfeigned sorrow, that the hon. Baronet should have rejected the olive branch that was held out to him, and appeared determined to postpone—for such would be the result of this motion—until an indefinite period, the determination of this matter. Could the hon. Baronet doubt, after the manner in which his proposition was received, that it would be made the means of increasing the divisions and dissensions between the different classes of people in Ireland, and that it would also have that effect on parties in that House? The proposition of the hon. Baronet was, to rescind the vote of a former House of Commons. He felt bound to say, and he did so with unfeigned respect to the hon. Baronet, that the object of those who supported this motion was not so much to get rid of the appropriation principle as to work out a course to gain the seats now occupied by his noble and right hon. Friends connected with the Administration. Believing, however, as he did, that her Majesty's Government were pursuing that course which tended to promote the best interests of the empire, and that, notwithstanding all the difficulties which had occurred around them, they had conciliated the feelings of the people towards them, both in this country and in Ireland, he felt bound to oppose the motion of his hon. Friend. At the same time, however, he gave no opinion one way or the other on the appropriation clause, but he was satisfied the present motion was nothing more nor less than an attempt made by one party to turn out the other. He had not changed sides; he did not say a word against those who had done so; but he saw sometimes with surprise that some of those leaders with whom it had been his lot to fight the battles of liberty in that House, as an unpaid soldier, had changed sides, and appeared most bitter in their opposition to their former friends and colleagues. He could not allow himself to use such appellations to them as he had heard applied by them; for he had no doubt that the noble Lord and the right hon. Baronet and others whom he saw on the benches opposite had been actuated by conscientious feelings. But if the time should come when his noble Friend (Lord John Russell) ceased to hold office, and he hoped that it was far distant, and the offices of the Government filled by the right hon. Gentlemen opposite, he was sure that the noble Lord and the right hon. Baronet would carry into the camp they joined much of the intelligence, liberality, and many of those enlarged views which he had so often heard them defend with so much eloquence and ardour when they sat on his side of the House. He repeated, that he had not changed sides, nor would he pledge himself as to what should be his vote on the appropriation question, but he should oppose this motion to the utmost, because he thought that it was nothing more than an attempt to turn his Friends out of the high situations they held.

Mr. *Milnes* said, that the opinion expressed by the hon. Member who spoke last was an extraordinary one. He thought it a hard case that the hon. Baronet should bring forward his motion, and in his (Mr. Milnes's) opinion it was wrong to suppose, because its result might have that effect, that the motion was brought before the House for the purpose of injuring the Government, and for no other purpose. He was obliged to the hon. Gentleman for having so ingeniously recorded his opinion upon the subject, and for his part he should say, that he never rose more willingly to address the House than he did upon that occasion. Under no imaginary circumstances could he rise with more confidence and exultation, not in his own power—not in his own eloquence, but in the justice of his cause. It was with no ordinary degree of pleasure he congratulated the House upon the position at which it had at length arrived. They had now before them a scene which perhaps some did not think would be so soon exhibited. Her Majesty's Ministry were at length obliged to abandon the appropriation clause. He congratulated them upon this very gratifying fact—a fact which intimated, in the plainest terms, that no Government which founded its strength upon individual theories could long retain that strength or maintain its position under such circumstances; that no government could be successful in this country which did not found its claim for support upon sterling views of statesmanlike policy and sound measures of beneficial legislation. Nothing had been said about the appropriation clause at the other side, at least nothing had been said in defence of it; it had been entirely given up so far, and the attempt had been made to induce them to believe, that it had no connection at all with the propositions of the noble Lord which were before the House. The hon. Members at the opposite side appeared anxious to convey the idea to the House that the appropriation principle was forgotten, and that every division at present upon the motion of the hon. Baronet would only tend to produce unnecessary dissension, or retard legislation upon the subject of Irish tithes—a subject which they were all alike anxious to see settled. He did not think full justice had been done to the noble Lord who brought forward this measure upon the subject of Irish tithes. It was a question neither more nor less than this—a rent-charge upon the Protestant owners of property in Ireland for the purpose of supporting a Protestant Church Establishment—for, after all, it was upon the proprietors the charge lay. It was on this view that Legislation should proceed, and if it were looked upon always in this light it might be more just towards the noble Lord. With respect to the hon. Baronet who moved the amendment which he should have much pleasure in supporting, a great deal had been said about the *animus* of that amendment and of its advocates. What, he would ask, was the *animus* of the appropriation clause of 1835? He would stand the test of a comparison between the *animi* of both parties, and he would ask no greater triumph than a candid answer. It was not for the hon. Gentlemen at the other side of the House to talk of motions; it was not for them to attribute to the hon. Baronet an inclination not to advance the settlement of the tithe question, but to try the strength of her Majesty's Ministers. Why, it was upon some such similar question they came into office, and strange to say, they were the first to express horror of such a proceeding. With respect to the amendment having the effect of opening a discussion upon the tithe question, he could only say, that unfortunately her Majesty's Ministers had left the question so unsettled that a discussion upon it was not at all inappropriate. They were as much open to discussion as they were three years ago, in 1835; and after those three years of discussion that most important subject was in just the same state it had been before. Even supposing the hon. mover of the amendment had been actuated by motives as unworthy as those assigned to him; supposing he had brought it forward for the most avowedly party purposes; supposing they were his sole reasons for bringing it forward, was it the other side of the House from which such a charge should fairly come? Was it from them so much impatience should be displayed at any instance of party spirit? They were surely the last who ought to complain; they who had been placed in their official position by party divisions; and if they were displaced by the same means it would not come very well from them, however they might regret the effect, to complain of the agency by which it was produced. This was, as he premised, supposing them to be actuated by party motives. The appropriation principle was one which there should be no delicacy in discussing. If it had been passed into a law—if it came before them with any claim to respect—if it had been in practical operation in Ireland, and amidst its injustice had effected one solitary good—if it came before them with this claim, they might have some hesitation in dealing with it; they might, however, be inclined to put an end to so manifest an injustice—at least respect it as a law that had existed. But here it had no such ground of support; it had achieved no good, it had no claim upon their forbearance, and he trusted it never would have any. Three years had elapsed without any positive measure upon a question of such vital importance as the tithe question. If the Tories had been in office this would not have been the case. If they had remained in office something would have been done; and although he would not go the length of saying it would be final, yet it would at least be nearer to that end than the present vacillating course which was adopted. The whole measure would not, as at present, be lying before them in the same position which it was years before, and the nation calling loudly for legislation. The appropriation clause might have deserved the support of the Opposition if it possessed any utility, but its warmest supporters could not go the length of showing that it produced one iota of good. It was useless, or worse than useless; and those Ministers who invented it would find it far more effective in producing defeat and discomfiture than they imagined. He was sorry to be placed as he was: he felt pain to be obliged in the discharge of his duty to come to open collision with her Majesty's Ministers. He would explain this position. Ever since he had come into Parliament he had felt that he was not sitting in an useless opposition. Night after night he found himself taking an active part in the legislation of the country—he found that Opposition was not always synonymous with weakness, and that place was not always power, for the Opposition, were the powerful and the other the weak side. The Opposition were sometimes the allies of the Government; they were its supporters in all those measures which they deemed necessary for the country—they were going on most rapidly till this bill appeared, and the mystic cycle of the appropriation clause broke the magical success which they had before enjoyed. Then they destroyed their hopes for the first time—it was a pity to break so agreeable a bond of unity, for, to describe them in the words of the poet—

"They'll take suggestions as a cat laps milk."

They will tell the clock to any business that we say befits the House? Before that unfortunate period there existed the most perfect amity and good-will between them. The degree of concord which characterised their proceedings was beautiful to observe, and if they had continued to deserve their support they would have received it; but they forfeited this support. A Government, to be a good Government, should not be passive or wavering; it should be active, it should be aggressive; it should be active with its measures—it should be aggressive against wrong, and those evils which time brings on; and wanting those attributes, the Government was unworthy of support. It was a lesson to contemplate. They saw a Government unable to strike a vigorous blow—paralysed, deprived of that strength which it ought to possess, and meanly prostrate. He said this more in sorrow than in anger. It was the effect of not acting upon those principles which ought to guide them. Whenever a Government acted upon narrow individual theories the result would be the same. Where the great principles of statesmanship were not the grounds upon which they built their measures, such would be the invariable consequence. Feeling as strongly as any one could do the importance of the question, he congratulated the House upon the position in which they had placed her Majesty's Ministry. It was a lesson that would not, he trusted, be soon forgotten. For his part he should support the amendment which concentrated their exertion in the achievement of one tangible good, which should be the object of all Governments.

Sir *W. Somerville*, as one having a large stake and interest in the peace of Ireland, and deeply interested in the maintenance of the Protestant Church in that country, had always considered the appropriation principle as the only one on which the settlement of the tithe question could take place, and as the only one which could carry with it the feelings and confidence of the Irish. Hon. Gentlemen opposite seemed to forget, that they had to conciliate the feelings of six millions of people with reference to a Church which belonged to only 600,000. What was the common state of things in Ireland? They saw, on the one hand, the Protestant Churches spread throughout the country, many of them fine edifices, and the ministers, if not supported in luxury, at any rate well paid by the imposition of this tax on the people; and, on the other, they saw a building little better in appearance than a common cottage, with mud walls and a thatched roof, with hundreds of people on the Sundays round its doors, crowding to get admission. The former was the Church for the few, and supported by the tithes, and the latter was the Church of the bulk of the population, supported, with its ministers, by their voluntary contributions. The poorest people, independent of having to contribute to the support of their own Church, had to give a portion of their scanty maintenance towards paying for this richly-endowed Church, the form of worship in which was alien to their feelings. Was this a state of things consistent with common justice or common sense? Was it a system which should be allowed to be continued? He would ask, what other remedy was there than applying the funds of this rich Church for the benefit of the poor? This proposition, however, was nothing of this kind. He did not wish to apply this property towards the maintenance of the religion of the great body of the people, but he only required that the crumbs which fell from the rich man's table should be devoted to the general education of the country. He was one of those who had entertained the hope that the tithe question would have been settled by the present proposition, and he could not help expressing his regret that the hon. Baronet, no doubt with the best feelings and motives, should have come forward and thrown in those ingredients of difficulty and danger which would prevent the securing the peace of the Irish people. Until the settlement of this question all their Poor-laws, or the legislating with a view of promoting the tranquillity or improving the condition of the country, would be vain and illusory; and until this question was put at rest the great and constant source of discord in Ireland would continue. Unless the Legislature nationalized this tax, and gave the Irish something as an equivalent, it would be vain to expect that they would continue to pay it. The Irish would no longer submit to this state of things. They would not thus submit to be buffetted about between one party and another; they would no longer permit the settlement of this question, upon which their happiness depended, being made the peg to hang party factions on. They felt that they had been bandied about from one side of the House to the other; and the Legislature of England must come forward and show the people that they were regarded as having an interest in the subject. The people were daily growing stronger and stronger in intelligence and power, and did the House think that when the interests of the people of Ireland were so deeply at stake they would continue to submit to this state of things, or that they would allow, that this vital question should be treated as a mere subject for party trials of strength, without regard to their feelings or interests? If the House really wished to make Ireland a part of the United Kingdom it must adopt such measures as would settle this and other questions in conformity with the wishes of the people and with the justice of the case. When the hon. and learned Member for Dublin agitated the question of the repeal of the union, he opposed it because he felt that the interests of Ireland would be best consulted by maintaining a strict, firm, and *bonâ fide* union with England, but he regarded the union as it stood at present as a mere farce—the advantages being all on one side, and Ireland being more in the relation of step-child than sister to England. If his hon. Friend should again agitate that question, he would not say, that he should depart from his original opinion, but he firmly believed, and he said it with regret, that the feeling of discontent which existed in Ireland towards the British Legislature would increase to such an extent as to be removeable only by a domestic Parliament. But whatever might be the result of the present motion, this, he would say, that those who threw additional difficulties in the way of a satisfactory adjustment of the question of tithes, took upon themselves a great responsibility, and must be regarded by all men as answerable for the consequences which must ensue. The opinion of the people of Ireland had already been emphatically pronounced on the subject—the opinion of Parliament had been pronounced—and after that, he did hope that a vote of the House of Commons, arrived at with promptitude and decision, would put an end to suspense, and at the same time terminate the hopes of the factious. After the blood which had been shed—after the misery that had been endured—after the centuries of discord that had prevailed—it must be the opinion of all impartial and intelligent observers that those whose conduct formed the primary cause of these evils incurred an infinitely greater responsibility than did the poorer and less instructed persons who were more immediately and directly concerned. For these various reasons he had resolved to vote against the proposition of the hon. Baronet, the Member for North Devon.

Mr. *Lefroy* conceived, that the time had arrived at which they should come to a final adjustment of the question of tithes, but certainly not in the way according to which the noble Lord opposite proposed to settle it. In the first place, he thought it right to call the attention of the House to a single statement made by the hon. and learned Member for Dublin, in reference to the nature of the resolutions then before the House. When it was observed, that the surplus expected—for be it observed, there never had been a real surplus—was exceedingly small, the hon. and learned Gentleman said, though the surplus might be small, the principle involved in the measure was great, and he further asserted, the position that as Protestantism was found to diminish, so must the revenue allowed for its support be curtailed. Now, he desired to know whether or not that principle was contained in the resolutions; was that to be the basis of the settlement of the question of tithes? If so, they could never have a final settlement; there must be a new census every year, and a new estimate for the expenses of the Church, for the religious instruction of the surviving Protestants. He decidedly objected to this annual review of the surplus. The hon. Baronet opposite suggested that they should adopt the main resolution as the means of carrying out a substantial and *bonâ fide* union between the two countries. He must be permitted to say, that it was rather an Irish mode of acting upon the principles of the union thus to violate one of its fundamental articles; for most certainly one of the bases upon which the union rested, was that of a provision for the Established Church. As it appeared to him, the whole of the present proceeding rested upon the assumption of there being a surplus. If the fact were so, why not come forward with a resolution declaring that fact? No assertion of the fact was introduced in the original resolutions; on the contrary, a mere speculative contingency was propounded, resting upon a probable surplus, respecting which the House had no means of judging. Let it not be forgotten, also, that these resolutions were passed before the Commissioners of public instruction had made their report, before the noble Lord himself was at all aware of the property of the Church. He then stated it to amount to 791,721*l.* a year. The noble Lord, the Chief Secretary for Ireland, set down the amount at an annual sum of 613,300*l.*, and after the reduction of the thirty per cent, it became reduced to 459,551*l.* Leaving out the deduction on account of the thirty per cent, there would still remain a difference of nearly 100,000*l.* between the two noble Lords. With respect to the number of persons belonging to the Established Church, there appeared to be quite as much difference of opinion, and in some instances as wide a departure from the truth. By the noble Lord opposite, they were set down as 750,000 persons, while they appeared from the statements of the Commissioners to be 852,000. On these grounds, then, viewing the ignorance which prevailed with respect to the property of the Church and the equal ignorance with regard to the Protestant population, he should say, that the mover of the propositions in question had proceeded in ignorance of the exigencies of the case, and of the means to be provided for meeting those exigencies. In every one of the bills proposed on the subject of tithes, nothing could be more evident than that those with whom those measures originated, had proceeded in utter ignorance of the subject, therefore should he say, rescind the resolutions. The principle upon which they ought to insist, most assuredly was, that the wants of the Established Church ought, in the first instance, to be provided for. In the year 1835, a certain mode was proposed of working out that principle; it was found that in certain parishes, a small number of Protestants resided, and on that ground, it was proposed to deprive them of any pecuniary support for their establishment. In the next year, a new way of working out the surplus was proposed, by which 97,000*l.* a year was to be obtained; and in the year following, the two former attempts were given up. At the time to which he was referring, the authors of those proceedings left out of view all the parishes which wanted glebe houses. They left out of view the burthen of debt under which the clergy laboured, but proposed to apply an imaginary surplus without regard to the situation of the clergy. What, he would ask, was the state of the Established Church in Ireland? There were fifty-two parishes, having a population of five hundred members of the Established Church, unprovided with proper church accommodation. In the same situation, there were thirty parishes, each having 1,000 persons; there were eleven parishes with 2,000 persons, in which churches were required, and there were 126 parishes, in which second churches were wanted. There were parishes in which divine service was performed in school houses—in the houses of the clergy—in the petty session-house—in the court-house of the town, and, in one instance, in a coach-house. Those were the circumstances of the Church in which the clergy were called on to relinquish their landed property, and accept in lieu of it a charge upon the consolidated fund. If the clergy were to have no other security than a contract to be supported by a vote of that House, it was too much to expect them to acquiesce in the proposed arrangement, or to expect that they would trust to any pledge of the sort being fulfilled at a future day. As a friend of the Church, he was bound to look to its interests; as a friend to that religion which was now maintained and upheld by the maintenance of the establishment that was now threatened, he felt bound to oppose the resolutions brought forward by the noble Lord, if they were to be coupled with the re-assertion of those resolutions which the hon. Baronet now sought to rescind, or if, indeed, those resolutions were not to be put out of the way, so as to give a prospect that whatever settlement might be come to should be a final one. For three years past, the noble Lord had repeatedly expressed his anxiety to settle this question; let no false pride now prevent the noble Lord from consenting to forward that settlement, by abandoning the resolutions which it was most justly sought to rescind; but let an honest pride, dictate to that noble Lord to secure the peace of Ireland, and the safety of its Church, by relinquishing this fatal principle; if the noble Lord really wished to arrive at a final settlement of this question, he could not refuse this concession to the call of justice and reason. The noble Lord had himself declared, that he would never permit any feeling of false pride to prevent him from making a final settlement, and he implored the noble Lord now to act upon the principle of that declaration. Let it be remembered, that these resolutions were not the original proposition of the noble Lord; that in reality he was not entitled either to the credit or discredit of them, for they originally emanated from, and were, indeed, moved and supported by Members of that House, who were the avowed enemies of the Protestant Church in Ireland. Long before they were proposed to the House by the noble Lord, their substance was brought forward by the hon. and learned Member for Dublin, and warmly supported by hon. Gentlemen from different parts of the kingdom, whose avowed principles were decidedly in favour of the voluntary principle. For the peace of Ireland, and for the security of its Church, it was essential that these resolutions should be rescinded, and he should lend his warmest support to the furtherance of that most important object.

Mr. *French* had not heard any person, no matter how strongly he might be opposed to the principle or details of any of the various measures which for the settlement of tithe had from time to time been brought under their consideration, venture to deny, that the speedy adjustment of this question was necessary for the security of every description of property in Ireland, or suppose that unless it were settled, any reasonable hope could be entertained of permanent tranquillity being established there. Now, if parties in that House were really anxious that Ireland should not be kept as a field of contention, it would be necessary for them to enter on the discussion of this subject calmly and dispassionately, each prepared to yield somewhat of their own views, and to endeavour, uninfluenced by political considerations, unbiassed by party predilections, to arrive at a settlement at once satisfactory to the Catholic population of Ireland, and placing the property of the Church on a secure and permanent basis, both of which could be attained by, he considered, the adopting the resolutions proposed by the Ministers. If they did not enter on the question in such a spirit as this, it was worse than useless to waste their own time and that of the public in considering these resolutions at all. As one attached to the Protestant Church by education, by conviction, and by close domestic relations, he sincerely trusted that the proposition now made by her Majesty's Ministers—one which must be admitted to be conciliatory, would not experience opposition from those who considered themselves more especially the friends of the clergy—that neither here nor elsewhere would they reject a settlement more advantageous to that body than they themselves, if in power, could procure for them—a settlement which, coming from the present Government, would be received with satisfaction by the people of Ireland—a result which nothing short of total abolition of tithes proceeding from them could produce. For the last few years the right hon. Baronet, the Member for Tamworth, and his party had appeared anxious for any settlement which did not involve the abstract question of appropriation. Would they take upon themselves the responsibility of refusing to agree to one in which the question was not mooted? Would they take upon themselves the awful responsibility of postponing the settlement of tithes in Ireland for an indefinite period of harassing and ruinous litigation, with a moral certainty of popular disturbances and a renewal of those scenes of blood of which that unfortunate country had already witnessed too many? Would the right hon. Gentleman consent to leave the clergy of Ireland subject to all these difficulties and deprivations, which had been so frequently and so feelingly described by his right hon. Friend the Recorder of Dublin, when by one word he could put an end for ever to the hatred, ill-will, and loss of life which had hitherto followed the collision of the Protestant clergy and their Catholic parishioners on matters of pecuniary interest? The principle feature of the present plan, as distinguished from some former ones, was the absence of what had been termed the appropriation principle, the resolution declaratory of which the hon. Baronet was now so anxious to rescind. To rescind it, however, would not effect their object, as that principle would still remain on the statute book. He should not refer them to acts passed during the reign of Henry 8th, as the appropriation contained in them might be termed a hostile appropriation; but he would call their attention to an Act passed so far back as the 15th Richard 2nd, cap. 6, called even at that early period "The Appropriation Act," from its appropriating to secular purposes a portion of the incomes of the clergy, a statute made when the Church was almost omnipotent, and when the Bishop of Winchester was Lord Chancellor of England. It provided—

> "Item, because divers damages and hindrances oftentimes have happened, and daily do happen, to the parishioners of divers places by the appropriation of benefices of the same places, it is agreed and assented to, that in every licence from henceforth to be made in the Chancery of the appropriation of any parish church, it shall be expressly contained and comprised that the diocesan of the place upon the appropriation of such churches shall ordain, according to the value of such churches a convenient sum of money to be paid and distributed yearly of the fruits and profits of the same churches, by those that shall have the said churches in proper use, and by their successors to the poor parishioners of the said churches in aid of their living and sustenance for ever, and also that the vicar be well and sufficiently endowed."

On the former occasion he advocated appropriation, and, if necessary, was still prepared to show, that the ecclesiastical laws themselves have recognised that principle, and Parliament enforced it. The clergy of the Established Church in Ireland have already lost much of the authority and reverence which they ought, as teachers of the Gospel, to possess. Instead of being ministers of peace, they are but too often unhappily ministers of strife and contention—and how could it be otherwise, as long as they went to collect their incomes as men go to a pitched battle. Could it be for the honour of religion or the credit of its ministers that this contention should continue, to which in the words of Milton, as long as the present system shall last, the Church of Ireland "is wedded as with a spousal ring?" To remedy this state of affairs the resolutions now submitted to the House had been brought forward by her Majesty's Ministers—resolutions containing in them nothing of innovation—nothing that had not already received the sanction of that House. But even if they did, it should be remembered, as Lord Bacon said, "that the contentious retaining of a custom may be as turbulent a thing as an innovation." But in these resolutions there is nothing of innovation. There is no appropriation of the Church revenue to other than Church purposes; the offer made to the Church is the full value, more than the value, of the tithe compositions. These compositions are proposed to be purchased by the State on the expiration of existing interests, or sooner, with consent of the incumbents, and the amount to be handed over when this purpose shall be effected to the ecclesiastical Commissioners for Ireland, to be appropriated to ecclesiastical purposes solely. But as this purchase cannot be made all at once, it becomes necessary until it is effected, that the State itself should guarantee and pay to the incumbent the amount of rent-charge which he would be entitled to under the bill carrying these resolutions into effect. Will the clergy object to receive their incomes for a season through the medium of the consolidated fund? They already vainly attempted to recover them through the courts of law. Surely a Treasury-warrant for the amount was a better guarantee for its payment than the writ of rebellion—that last weapon in the armoury of the law, which had become rusty in the courts, until it was furbished up and sharpened for the service of the ministers of peace. Could it be possible that the clergy would prefer to the paternal offer of the present Government, a system which obliges them, in vindication of their legal rights, to have tithe rebels, as they are called in the writ to which he had alluded—men often enfeebled by age or poverty, or both—dragged from their distant hovels to the four courts in Dublin, in the depth of winter, with scarcely sufficient raiment to shield them from the inclemency of the weather, or food to maintain the flickering lamp of life within them, and who, so far from being able to discharge a bootless claim, had frequently become the objects of a charitable subscription. By none more than the clergy themselves, he was convinced, was this state of things regretted. But could any person venture to assert it was for the peace, the good, the honour of the Church, that such a system should continue? The measure, founded on these resolutions, must prove, if it became law, advantageous to the Church. By it the Church would receive a certain income in lieu of an uncertain one, and a property which had ever been insecure, would be converted into one that is secure, Let not the House imagine that the insecurity of tithe property had been confined to Ireland. It was an incident which had ever belonged to it—in Protestant England, as well as Catholic Ireland. In this country, in the reign of Henry 4th, the Commons went in a body to the King, and addressed him, by their Speaker, in the following words:—

> "That the clergy possessed a third part of the riches of the realm, and not doing the King any personal service, it was but just they should contribute out of their revenues towards the pressing necessities of the state; that it was evident the riches of the ecclesiastics made them negligent of their duty, and the lessening of their excessive incomes would be a double advantage to Church and State."

Sir John Oldcastle, afterwards Lord Cobham, brought in a bill to attain the object of this address. Four years afterwards this question was renewed more warmly at the Parliament held at Leicester, and would have been carried, only, it was stated, for the policy of Henry Chichely, then Archbishop of Canterbury. In the Long Parliament, in 1641, there was a debate in a "grand Committee" of the Commons, on the introduction of a bill for the abolition of deans and chapters. It was then declared, after an investigation of some of the statutes, grants, and foundations, of certain deans and chapters, that those deans and chapters were trustees, and that the profits of the lands in their possession had been employed, contrary to the trust reposed in them, and resolutions for their abolition were agreed to by the House. The lands taken by the bill were ordered to be applied to the advancement of learning and piety, reserving a maintenance to incumbents, who should appear "not peccant and delinquent to the House." Some time afterwards, it was resolved by the House, that those lands should be vested in feoffees, and that the bishops' lands should be vested in the Crown, reserving a competent allowance for the support of a sufficient number of ministers, and the reparation of churches, such allowance to be placed under the management of Commissioners. During the Commonwealth, in the year 1652, the question of tithes was debated, and it was referred to a Committee, to consider how a convenient and competent maintenance for the clergy might be settled in lieu of tithes. He could not persuade himself that what he firmly believed to be the best offer of compromise that would ever be made to the clergy, on terms so much to their advantage, would be rejected by their friends. He was strengthened in this opinion, as the measure to be produced on the resolution now before the House must be essentially the same in principle as the several measures brought forward by the different Reform Administrations, and assented to by the Opposition. Like all those, it diminished the amount of tithe compositions in proportion to the security for their payment guaranteed by the State, by their commutation into rent-charges. It was certainly more to the advantage of the Church than the measure brought forward by the right hon. Baronet, the Member for Launceston, or that of the noble Lord, the Member for Lancashire. In the right hon. Baronet's projected bill of 1835, the clergyman was to receive 75*l.* for every 100*l.* of tithe composition. By the present measure, he was to receive 70*l.* In both the tithe is proposed to be redeemed. By the right hon. Baronet's bill 1,500*l.* was fixed as the sum to be obtained by the Church for every 100*l.* of tithe composition which might be redeemed. By the present measure 1,600*l.* would be paid for every 100*l.* by the State. Both projects settled, that the redemption-money was to be invested in land or otherwise, for the benefit of the Church. The present measure also agreed with the amended bill proposed by Lord Stanley, in 1836, in its principal features. The clergy, under that measure, were to receive 72*l.* 10*s.* for every 100*l.*, but Lord Stanley calculated the redemption, taking the *maximum* which might be expected to be obtained, at twenty years' purchase of the rent-charge; which would only amount to 1,450*l.* for each 100*l.* of tithe composition. Whereas, by this plan, the clergy were to be paid 1,600*l.* by the State. In conformity with his Lordship's plan, the present one left the Ecclesiastical Commissioners to carry the investment into effect; but the present plan possessed the great superiority over both, that it secured to the incumbent the full amount of the rent-charge which was to be paid to him by the state. The noble Lord, the Member for Lancashire, had always advocated the commutation of compositions into rent-charges, their redemption, and investment, for the benefit of the Church: all of which were provided for by the minister's resolutions. The appropriation of Church property to other than Church purposes was not contained in them. He therefore considered they might fairly anticipate his support. The objection to placing the incomes of the clergy on the consolidated fund for a short time, as lessening the security of Church property, appeared to him to imply, from the mere possession of land or tithe, a permanency which did not in reality exist. Land or tithe was merely a security given by the state for the salaries of the clergy, and they were no more proprietors of it, than any servant of the State was, of the Treasury out of which he is paid. The enabling and disenabling statutes show the State has always considered itself, the proprietor of Church property. But let them see, if the necessity of the income of the Church, being secured by tithe or land, was held by the highest authorities on the subject, as indispensable for the support of a Church establishment. He could state from his own experience, that all the clergymen with whom he had conversed, assured him they would much prefer a charge on the consolidated fund, to any one on the landlords of Ireland. Lord Bacon, who was a zealous supporter of the Church, said on the subject of temporalities, "That all the places and offices of the Church, be provided of such a donation, that they may be maintained in their several degrees, is a constitution permanent and perpetual; but for particularity of the endowment, whether it should consist of tithe, or land, or pensions, or mixed, might make a question of convenience but no question of precise necessity." This had also been the opinion of some of the most eminent divines of the Established Church; and that it was the opinion of a great statesman, whose name he had only to mention, to secure the reverence of Gentlemen on the opposite side of the House, would be apparent from the following extract from the *Memoirs of Bishop Watson*, published in 1817:—

> "In January, 1799, (he writes,) I received from the Archbishop of Canterbury a paper which had been sent to him by Mr. Pitt, and was desired to deliver my opinion on the subject. The paper contained a plan for the sale of the tithe of the country, on the same principle that the land-tax had been offered for sale in the preceding Session of Parliament. It was proposed that the money arising from the sale of the tithes should be vested in the funds in aid of public credit, and the clergy were to receive their incomes from the funds. The income, however, was not a fixed income, which could never be augmented, but was to be adjusted at different periods, so as to admit an increase according to the advance in the price of grain. This plan was not introduced into Parliament; it met, I believe, with private opposition from the bishops, though I own it had my approbation."

Bishop Horsely, who was a high churchman, states, "All the rights and honours with which the priesthood is endowed, by the piety of the civil magistrate, are quite distinct from the spiritual commission, which we bear for our Lord's proper kingdom; they have no connexion with it, they stand merely on human law, and vary, like the rights of others, as the laws which create them vary." He could refer them to the opinions of Paley and others, but it was unnecessary. He had shown, that the principle contained in these resolutions, had received the sanction of Conservative statesmen, such as Lord Bacon and Mr. Pitt, and that of divines, such as Bishop Horseley and Bishop Watson. It was stated, that the Church objected to the deduction of thirty per cent., as more than they could afford to give. The Church as a community, since an early period of its history, had been fully as assiduous to promote its temporal greatness, as to extend its spiritual jurisdiction. It acted as if it thought the best interests of mankind were to be promoted, in proportion to the wealth and power the Church could attain. But let not its Friends encourage that delusion. The Church of Ireland, reduced to a standard of utility, might be made an instrument of great public benefit; preserve it a pageant, and you make it an object of public reproach. He considered the Church ought to co-operate with the Ministry in promoting these regulations, which were required for the maintenance of good government, and still more for preserving their own influence. Surely the concession of a temporal object which cannot awaken any conscientious scruples, and which does not impair, but does rather confirm and perpetuate, the revenues of the Church, was not too much to be expected from them, for the sake of order and peace. Let them remember the religion they profess to teach, is one of detachment from worldly interest; that the system they would uphold, impairs the value, and mars the effect of religious education, placing the teachers and those to be taught in an arena, where the price of that instruction is the sordid object fiercely contended for. They have now the opportunity of getting rid of this contention—an object for which he could not suppose they were not most anxious, without diminishing the ecclesiastical revenues. Those would still be most ample to maintain the Church in its solemn magnificence, in the pomp and order of its ceremonies, to provide all those grave and moving accessories to divine worship which inspire reverence and awaken attention; and that provision would be made in a manner most likely to answer the ends of its institution—the peace and happiness of the community. He would, therefore, entreat the clergy to adopt a measure which would put an end to a long and fatal struggle, in which the honour that was due to religion, and the reverence that ought to be paid to its Ministers, had been equally impaired. He would call on them, in a word, to exhibit on this occasion a spirit of moderation, in order that violence, so opposed to the meek character of gospel truth, might be for ever banished from the Church of peace.

Lord *Stanley* said: I should hardly have risen so early in the debate, if the hon. Gentleman, who has just sat down, had not personally called on me; if he had not expressed it as his thorough conviction, that, looking at the course I have pursued on former occasions, looking at the sentiments which I have expressed, and at the part which I have taken; looking at the desire I have always indicated, and which I still feel for a settlement of this perplexing question of the revenues of the Church of Ireland on a safe, reasonable, and satisfactory basis, he might confidently rely on my vote in favour of the resolutions now moved by her Majesty's Government. Even if I were disposed to accede to those resolutions; even if I am—as I certainly am—disposed to consider them in the spirit of candour, of fairness, and moderation; even if I am disposed to discuss them with a desire to come to a settlement —to discuss them with a view not to force extreme opinions, or to press untenable points—the more I am disposed to come to such a discussion, the more I am convinced—and yet more and more from every speech I have heard in the course of this night's debate—of the expediency, of the duty, of the necessity of acceding to the motion of my hon. Friend, the Member for North Devonshire. For the motion of my hon. Friend is not, as it has been represented, a peg to hang a factious vote upon —it is not an amendment—it is not an attempt to impede and to postpone for a year—nay, hardly for a night—the discussion of the resolutions of her Majesty's Ministers. If we had been disposed, on this side of the House, to take that course, we should not have given you, this evening, the fatigue and the weariness of listening to a protracted discussion, because in that case, we should naturally have moved the proposition of my hon. Friend in Committee as an amendment, and as a substitute for the resolutions of the noble Lord: but it is because we have desired to avoid the possible imputation of endeavouring to substitute my hon. Friend's motion for the resolutions of the noble Lord, that we have taken this course not of moving an amendment to the resolutions, but of bringing forward a proposition which was considered essential as a preliminary to an understanding on what terms and on what principles it is that we are to act. And, I confess, I am at this moment as much in the dark with regard to the terms on which the question of appropriation stands in the view of the hon. Gentlemen on the other side of the House, as I believe they are in a state of difference among themselves in what sense it shall be understood. I regret to observe, that I believe, and I am compelled to believe, that the resolutions of the noble Lord opposite have been carefully and artfully so framed as to enable him to say to the one party, "See, I maintain your principle of appropriation," while to the other party he can say, "You are raising a factious opposition to a motion and to a resolution which does not involve the principle of appropriation. The noble Lord, in the course of his speech, spoke with considerable bitterness as to the part taken by the Protestant clergy in Ireland on this occasion, and taunted them with having considered that fifteen per cent alone was the price at which the peace of Ireland was to be purchased. Why, was that a candid and fair way of stating the case? When the clergy of Ireland say, "We submit to a deduction from our incomes which the law awards us, and which we have an undoubted right to receive; we submit to a deduction of fifteen per cent from that which we are entitled by law to receive"—is it fair in the noble Lord to declare that those clergy are so factious, are so grasping, are so insatiable, that fifteen per cent sacrifice of their income is the price at which they put the peace of Ireland? The noble Lord tells you, that by the law as it present exists, every landlord of Ireland has a right to demand a deduction of fifteen per cent, but surely the noble Lord must know that such is not the law. Surely the noble Lord must know, that the power to which he alludes was limited in the first instance, by an Act which I had the honour of introducing, to one single year, that it was prolonged in the following Session for a period which has very long expired, and that this is the position in which the clergy and the landlords of Ireland stand at the present moment—by the lapse of time, every landlord is gradually becoming liable to the payment, not of 70, but of 100 per cent. When hon. Gentlemen tell us that we will not make these deductions, having for their object the relief of the unhappy and destitute peasantry of Ireland, I reply that we are ready to impose any reasonable deduction on the clergy. But the noble Lord says, that the most unfair course is taken by the clergy of Ireland—that they are the persons who are now interposing, and that they do so merely from a grasping determination not to sacrifice the last farthing that they can retain in their possession. The noble Lord has to-night exhibited, I must say, very great ingenuity; for he has spoken on the question of appropriation for nearly two hours, and, at the end of his speech, I defy any hon. Gentleman in the House to determine whether, in the mind of the noble Lord, the principle of appropriation is or is not abandoned. The hon. Baronet (Sir W. Somerville), who spoke with great force and earnestness on the same side, gave you in the course of his speech, a description of the wretched mode in which the Roman Catholic chapels have been crowded by persons who could not find accommodation in them, and asked if those persons were to be compelled to pay the tithes of the Irish Protestant Church. What said the hon. Baronet? Why, the legitimate conclusion from his observations is this, that the poor Church being the majority ought to be the rich Church; [" *No, no," from Sir W. Somerville.*] that because the rich Church is in the minority you ought to transfer from the Church of the minority to the Church of the majority. [" *No, no!*" " *Yes, yes!*"]. If hon. Gentlemen will be patient, and will allow me, I think I can show that the legitimate construction to be put on what the hon. Baronet said is, you should take the property from the Protestant Church, and make it the property of the Catholic Church of Ireland [" *No, no!*"]. The hon. Baronet says, he asked for no such thing. " What we do ask for," says the hon. Baronet, "is this, that we should have the crumbs that fall from the rich man's table; that we should have applied to the purposes of the Roman Catholics the surplus beyond what is required for the spiritual wants of the Protestants of Ireland." That is the demand made by the hon. Baronet opposite, and, be it observed, after hearing the speech, and after hearing the resolutions of the noble Lord. My hon. Friend on the opposite side who has just sat down has broadly and distinctly declared, that there is no principle of appropriation whatever in the resolutions of the noble Lord which are now before the House. He said, that the resolution of 1835 was not in this attempted to be carried into effect. The noble Lord himself will hardly contend that it is. The resolution which was passed in 1835 declared, that any surplus beyond that which was required for the wants of the Protestant Church should be devoted to the purposes of education, without any reference to the religious persuasion of those who were to be educated. A further resolution of the noble Lord affirmed, that no plan could be final, nor satisfactory, for the settlement of the tithe question, which did not embody that resolution. These were the resolutions which the noble Lord prepared in 1835. Now, the more that the noble Lord proves, that in his present resolutions there is no principle of appropriation of the surplus, the more necessary is it, that the resolution of my hon. Friend, the hon. Baronet, be agreed to, and the resolution rescinded which denies the possibility of a settlement of the tithe question without embodying in it the appropriation principle. The noble Lord and the hon. Gentlemen opposite are placed in this dilemma, and I defy them to get out of it. Either the resolutions now proposed include the objectionable principle of applying to secular purposes the revenues of the Church, or they do not. If they do, then it is a principle which the noble Lord is perfectly aware, that Gentlemen sitting upon this side of the House never will give their assent to. He knows, that no proposition founded upon such a principle can lead to a settlement of the tithe question. If, then, the resolutions do not include that appropriation principle, and the noble Lord has declared that they do not, he has avowed, then, that this is a settlement which does not contain a principle without which he has already declared, that no plan for settling of the tithe question can be either satisfactory or final. Is it, then, too much to ask of the noble Lord, when he invites us to an amicable settlement, to beg of him at once not to stultify himself as well as us. He has laid down, in a resolution, that there can be no satisfactory settlement without a certain principle being agreed to. We ask of him to rescind a resolution which declares, that the settlement he is now proposing cannot be final. The hon. Gentleman who has last spoken has certainly started an unexpected difficulty in this matter, and one which cannot easily be got rid of. The hon. Gentleman has said, that he did not think, that it was open for us to rescind the principle of appropriation, for if we did rescind the principle of Lord John Russell, yet there must still remain the Act of Richard the 2nd, in which that principle is enforced. Now, I tell the hon. Gentleman, I am quite willing and quite prepared to split the difference with him, if he will consent to rescind Lord John Russell's resolution, I am prepared to give him all the benefit of the statute of Richard the 2nd. Then the only reason that the noble Lord can have for maintaining his former resolutions is, that there is some distinction between them and one of the resolutions to which I wish now to call the attention of the House, and of which he or his Friends may on a fitter occasion turn to a serviceable purpose. The sixth resolution runs thus:—"That it is the opinion of this Committee, that the rent-charges for ecclesiastical tithe should be appropriated by law to certain local charges now defrayed out of the consolidated fund and to education, the surplus to form part of the consolidated fund." I very well know, that upon an examination into this resolution, it will not be found to contain the appropriation principle. I know, that it is the mere imposition of a new charge upon the consolidated fund. I know, that the rent-charges are to come into one hand of the consolidated fund, and that they are to be paid out of the consolidated fund with the other. This was the plain and manifest object and intention of the resolution, and I cannot see the necessity for wrapping it up in the words which are to be found in the sixth resolution. It is merely intended, that the consolidated fund shall certainly pay, as it does now, and that a charge shall certainly be applied to the purposes of Irish education. But why does the noble Lord use a form of words which cover the appropriation principle? Is it to satisfy, to gull, or to delude, those who honestly support that principle? Is it to "keep the word of promise to the ear, and break it to the sense"?—or is it for the purpose of preserving it for some ulterior step to be brought forward, and when it may be declared, that there shall be an appropriation of Church property to secular purposes?—is it, that the noble Lord may be able to point to this resolution, and tell those who sit on this side of the House, "You, on a former occasion, consented to the rent-charges being made applicable to the maintenance of the police, and to the bestowal of education in Ireland, and do you now pretend to raise a question upon the principle of the appropriation of ecclesiastical revenues to secular objects. I cannot divest my mind of the decided impression, that it was for the purpose of entrapping Gentlemen upon this side of the House, by their being honestly convinced, that the appropriation principle was not contained in these resolutions, that this resolution has been put into a form of words of which use might hereafter be made. As these resolutions are now proposed, are they, I ask, prepared in Ireland to adopt them as a final settlement of the question? The hon. Member for Dublin, after these resolutions appeared, published, as is his wont, an address to the people of Ireland respecting them. He declared, that he assented to much that was in the resolutions; he declared, too, his readiness to assent to them for the sake of peace, while he objected to some of them; but this, he said, was the great recommendation to him of the resolutions, that the plan contained in them did afford to him the ground-work and the basis for further reductions, as it contained a principle which might be advantageously carried out. The noble Lord has referred to an engagement which has been entered into. I am not disposed to swerve from any engagement. The noble Lord has stated, that a noble Duke, in another place, intimated last year his willingness to consider this and another party question connected with Ireland on a principle of mutual concession, neither party insisting upon extreme views. The noble Lord, also, has told us, that when he consented to postpone the corporation question until after the Tithe Bill and the Poor-law had been disposed of, that he could not believe, that the friends of the noble Duke would have proposed to rescind the resolutions to which the Ministers were parties. Now, a word or two as to the proceedings of the noble Lord upon those questions. Does the noble Lord recollect, that before the Easter recess my right hon. Friend, the Member for Tamworth suggested to him the extreme necessity of postponing the Municipal Bill until the question of tithes was disposed of, and when the noble Lord appeared to hesitate as to that course, he gave notice that he would make a motion, that the question (that of tithes) should take precedence of the other; and about a week after that time the noble Lord acted on the suggestion of my right hon. Friend, but even while acting upon it took distinct care to inform the House that he was by no means acting in consequence of that recommendation from my right hon. Friend. [“ *No, no.*”] I was present at the time. The noble Lord did postpone the question until after Easter. He certainly allowed the Municipal Bill to rest, and the other Bill to take precedence of it. The noble Lord declared, that he did not act in accordance with the suggestion of my hon. Friend. [“ *No, no.*”] I state this from my own recollection; but, however, I do not wish to press this point, for it is not one of very great importance. But, then, the noble Lord has spoken of an agreement or understanding entered into or implied by the Duke of Wellington. It is a matter of much importance, on account of the high station which the noble Duke deservedly holds with his country, that there should be no misunderstanding with respect to his expressions. I now ask the noble Lord will he pretend, then, to tell me that the Duke of Wellington, at any time, or under any circumstances, held out the hope, that he would be a party to any agreement in which it was stipulated that the appropriation clause should be persevered in? If an agreement were come to upon this question, must not the very basis of that agreement be the abandonment of the appropriation clause? and if it be abandoned, as it seems to be implied it is, by abandoning these resolutions, then I say, that the manly, the straightforward, and the frank way of abandoning it would be, not to bring in ambiguous resolutions, which may be tortured into one shape, or into another, but to come forward and to say frankly, “ We wish to settle this question, and, relying upon the honour of a noble personage, who has stated his wish to have it settled, we are anxious to join him in doing so; and in order that he may be sure we mean exactly to fulfil the compact, we, with that understanding with him, frankly rescind a resolution which stands in the way of a fair and just settlement of the question?” Does the noble Lord pretend not to know the beneficial effects which the rescinding of that resolution would have? Does he not know, that the minds of the clergymen of Ireland will be disturbed, and their fears excited, as long as he keeps that resolution hanging over their heads, and that rescinding it, they would consent to a settlement proposed by him, even though the greatest pecuniary sacrifices might fall upon them? Does he not know, that the greatest objection to the introduction of the Municipal Bill into Ireland rests upon this? for before that measure is consented to, it is desired to see greater security given to the Church. The noble Lord declines to withdraw his resolution. It remains, then, over the heads of the clergy; it fetters legislation, and it places a vast gulf between him and us. We oppose it, because it may lead to and facilitate ulterior views. The noble Lord has much misrepresented the position of the clergy of Ireland. It is their interest that the settlement of the question may be suspended. It is so considered. I have to remind the noble Lord, that for the pecuniary interests of the clergy, if their conscientious feelings were not excited, that the inducement for them to come to a settlement must, year after year, become with them more and more feeble. The sacrifice which they are called upon to make of their just rights, must, year after year, become less; while upon those who have to pay tithe, those upon whom the payment of tithes devolves, must every year become greater. The noble Lord has not the means for the settlement of this question without the assent of the body of Gentlemen who sit upon this side of the House. Some years ago he held out the threat of starving the clergy. He knows the wants that have been inflicted upon them, and they now prefer having the means of legal protection all in their own hands. Year after year they are coming into the peaceable possession of their rights, and they request to be let alone. This is their desire—I think unwisely: for I desire an immediate settlement; but, for the purpose of a settlement, I never can consent to the recommendation, the adoption, or the renewal, of a principle which is vicious and intolerable. And the noble Lord treats with contempt the idea of an abstract resolution being made to stop a great measure; nay, he has even talked of my hon. Friend being actuated by factious motives, and also of his being instigated by his diocesan. The noble Lord has expressed his wonder at an abstract question preventing the passing of a great measure, and he has cavilled at it, as intended to do that which it is not, to effect a political change—nay, even the noble Lord has sneered at the occurrence of a political dinner occurring shortly before such an abstract question being introduced. Whatever validity there may be in these objections, it is certainly not from the noble Lord that I expected to hear them. The noble Lord cannot have forgotten that of which the hon. Member for Roscommon has reminded the House, that the resolutions which are now before the House are very much in substance the same as the bill proposed by the right hon. and gallant Member for Launceston, when Secretary for Ireland, and, therefore, that nothing could be more unfair, when there is a question before the House, of which it has acknowledged the importance, that it should be opposed by an abstract resolution. I give to the noble Lord the full benefit of that argument, though the resolution of 1835 had the effect, not the intention, of course, of overthrowing the Administration. That resolution, which was an abstract resolution, and which was made to precede and prevent an unobjectionable measure—I say an unobjectionable measure, because it did not contain that principle which the Government measure does not now contain either. That resolution preceded or followed a political dinner, and that resolution was an abstract resolution, whereas this, so far from being an abstract resolution, is one that it is most desirable to debate for the purpose of showing how necessary it is to remove an incumbrance out of our way; for it is impossible to come to a satisfactory decision upon the tithe question with the resolution of the noble Lord before us. I, for one, declare, that I am for a settlement of the tithe question; and if that resolution be rescinded, I am ready forthwith to enter into a discussion of the noble Lord's resolutions, and with every disposition to make every fair concession to the noble Lord. And what I desire, and what I have always expressed my desire to do, and which I shall now do, is this—I shall not cease labouring to bring the question to a satisfactory settlement; but a settlement satisfactory with respect to the principles of justice and of truth.

Viscount *Morpeth:* I know how great must be my disadvantage when I present myself to follow the noble Lord who has just sat down—

> "Infelix puer, atque impar congressus Achilli;"

but if anything could have diminished this feeling upon my part, or if there be any question on which I could have followed the noble Lord with less hesitation or diffidence, I believe that the Church of Ireland is the very ground which I should choose, and particularly so, when I remember the doctrine which the noble Lord has laid down with respect to that Church, and to ecclesiastical property. The noble Lord has maintained, that if every minister of that Church were swept from the face of Ireland, we ought still to preserve its revenues entire and undiminished. The noble Lord has charged my noble Friend who opened this debate, and her Majesty's Government generally, with the intention to entrap the unwary; he has said, that my noble Friend has left the House quite in the dark with respect to the terms and the principles on which the resolutions and the measures to be grounded on them were to stand; and the hon. Baronet, who has moved the amendment, has, in the course of his speech, also charged the Ministers with a desire to mystify the House. I own that I think, that the trap baiting has been all used on the other side of the House. That is, however, a very unimportant matter, and I pass on to what the noble Lord has made not an immaterial part of this debate—the position or order in which the measures have been brought forward. I distinctly remember, being in my place when my noble Friend, not admitting the dependence which one measure had upon the other, yet wishing to avoid a party contest upon a point which could lead to no beneficial issue, declared his willingness to give the discussion on tithes a precedence over that on the Municipal Bill for Ireland. But as a charge has been made of a disposition to entrap votes on both sides of the House, and to recommend the measure respecting tithes to one party by manifesting a disposition to give up the appropriation principle, while the other was to be deluded by pointing to the words in the resolution, I feel that although my noble Friend has already dwelt, very clearly, on the main principles of the resolutions, yet, for the purpose of not leaving any room for cavil, nor allowing any resort to subterfuge, I shall state shortly the drift and pith of the resolutions, and then come to the question, whether the House will do well in following the counsels of the hon. Member for Devonshire to neglect the resolutions of 1838, and proceed to rescind the resolution of 1835. I believe that none can be disposed to dissent from this proposition, that it would be most desirable to put an end to all disputes between clergymen and their parishioners. This must be admitted to be desirable in all cases; but still more expressly desirable when the parties differ in creed from each other, and when the subject of collision has been the prolific source for so long a time of disputes and animosities. We propose by our resolutions, and by the measures intended to be founded on them, to effect this, and to impose the liability which is still borne by the occupier of the land on the owner, subject, however, to a deduction from the full amount by reason of the new liability which is imposed upon him. We think, however, and we have reason to apprehend that some of the landlords have already found it to their cost, that the feeling of the Irish people against the payment of tithes would pursue them when mixed up with the rent of the landlord. We propose to remedy this by putting the tithes, as far as either the owners or occupiers are concerned, entirely out of sight, and by making the payments which the landlords have to pay in lieu of composition for tithes, and for which, of course, they seek to be reimbursed from their tenants—applicable to purposes in no way connected with any subject of popular irritation or discontent; but, on the contrary, only applicable to purposes on which every class of the population, and, most of all, the humblest, are closely interested and concerned. So far as respects the operation of our plan, so far as money payments are concerned, and as concerns the owners and occupiers. And be it observed, that our plan does not, in these respects, substantially differ from any of the preceding bills for the last three or four years both of the present and of the past Governments. Then, with respect to the payments made to the clergy. As the resolutions at present stand, and as they were introduced by my noble Friend, it is proposed that the clergy shall receive their allotted income, seven tenths of the tithe-composition, or the 70 per cent. of the last three bills that have been introduced into Parliament, as long as they think proper, from the public treasury; and this, to my no little astonishment, and to the reversal of all my previous calculations and expectations, has been made the chief gravamen of the charge, the main rock of offence, upon which the opposition and the clamour of the Church against the present scheme has been raised, because the future annual income of the clergy is no more to be paid by reluctant landlords or resisting tenants, but, instead of this, they are to receive it by punctual dividends from the consolidated fund of the empire, upon which, by positive course of law, it is proposed to be settled. But we do not stop here. After what has fallen from my noble Friend with respect to the delusion, the utter ignorance with which it is sought to represent that this payment is, one to be made by annual payments from the votes of this House out of the estimates of the current year, I need not repeat the surprise excited by such statements as are contained in the petition of the clergy of the diocese of Armagh, who state, that these resolutions will strip the Church of her possessions, and reduce the clergy to the condition of pensioners, whose claims will be liable to be yearly investigated under the specious pretence of a public saving. [*Cheers from the Opposition.*] The right hon. and learned Gentleman (Mr. Shaw, we believe) cheers that expression. I must say, that I think that the clergy of Armagh might have derived from the inspiration of the primate himself, who constitutes the highest link between the Church and State, more precise and correct information on this subject. The statement to which I allude, and to which the clergy have given credence, is that the stipends of the clergy of Ireland would be paid by votes come to yearly in this House upon annual estimates. I will read the words of the petitioners; they said that "the measure would reduce the clergy to the condition of pensioners, whose claims would be made the subject of yearly investigation."Is not this intended to imply, that by the mode of paying the clergy, proposed by her Majesty's Ministers, they will be put on such a footing that their affairs will be annually brought under the cognizance of Parliament? Now, what are the facts? It is proposed to place the clergy on the footing guaranteed to them by the State—on the same footing as the judges of the realm—on the same footing as the great officers of State, and on the same footing as that on which the civil list of the Crown itself is by law settled, regulated, and guaranteed. We propose to do this by Act of Parliament, nor can that Act be reversed but by the joint consent of King, Lords, and Commons, embodied in a subsequent Act of Parliament thus putting the Church revenues on the same footing, and to be held on the same tenure, as every farthing of its possessions, is held at this moment. Is this a state of gross hardship, of bitter injustice, of degradation, and of coercion under which is proposed to subject the clergy of Ireland to the insult of receiving a prompt, full, and certain receipt of their lawful dues from the public treasury—is this state too, one under which we propose to leave them, without the prospect of a termination or the hope of redress? The plan which we introduce, enacts that in the case of all future incumbents of Church livings, and we make it optional in the case of all present incumbents, subject only to such limitations as may seem advisable to secure the easy redemption and investment of so large an amount of money—we make it optional for present incumbents, and enact that in the case of all future incumbents, the state shall redeem the payments from the consolidated fund, and shall invest the purchase-money either in land, or whatever other securities the ecclesiastical Commissioners, or such other body as it shall be reckoned right to appoint for the aid and benefit of the clergy, shall think most advantageous, desirable, and lucrative. And what are the terms on which we propose to make this investment? We propose that the money shall be redeemed at sixteen years' purchase. This is not a proposition, I boldly contend, which can be considered unfairly pressing on the clergy, or one dictated by a spirit inimical to the interests of the Church of Ireland. My noble Friend (Lord John Russell) has alluded to the opinion formerly expressed by the noble Lord who preceded me in the debate, an opinion expressed in the Committee which sat on this subject in 1832, long before this vexatious question of appropriation was raised. What was the report of that Committee, and what were their recommendations? The report contained these words:—

> "There seems, then, no alternative but that the State should lend its aid, and having purchased the rights of the clergy, become itself the proprietor and collector of the perpetual assessment substituted for tithe. If this be admitted, the actual amount of the tithe now collected does not effect the progress of the argument, and, without any attempt at accuracy, it may be taken for granted that the gross composition, if it extended over the whole of Ireland, would be about 600,000*l.* The composition being about 600,000*l.*, if sold at sixteen years' purchase, would produce a sum of 9,600,000*l.* The question, then, to be asked is, whether it would be for the interest of the landlords or of the State to purchase the perpetual land-tax of 600,000*l.* at sixteen years' purchase. Supposing that none of the landlords should redeem, and that the whole arrangement must be conducted by the Government, the sum required to be raised would be, as before, 9,600,000*l.* The sum would be raised by Government on still more advantageous terms than by the landlord, probably at three and a half per cent., leaving a gross surplus annually of 264,000*l.*, subject to the charges of collection."

The noble Lord (Stanley) was not then quite so alarmed at a surplus as at present. The noble Lord did not then contend that any provision should be made for the clergy on a footing more advantageous than ours. We propose the investment, not, be it observed, of the reduced rent-charge of seventy per cent., but of the original 100 per cent. at sixteen years' purchase. Again, in 1835, the hon. and gallant Member for Launceston (Sir H. Hardinge), who then held the position in which I now unworthily stand, brought forward his plan for the regulation of tithes in Ireland, and what did he say? He said—

> "To purchase 100*l.* of composition under the bill which I propose to introduce, assuming it to be taken at twenty years' purchase, it will require the sum of 1,500*l.*, while by the bill of last year it would have required at the lowest rate 1,650*l.* The highest price for the purchase for the redemption of 100*l.* of composition would have been 1850*l.*, and the average 1,750*l.*, so that by my bill the landlord will, on the average, gain 250*l.* on the redemption of every 100*l.* of composition, at an addition of

two and a half years' purchase, in addition to the premium of twenty-five per cent."

Thus it appears that the hon. and gallant Baronet intended to make his terms of redemption fifteen years' purchase, whereas we propose sixteen years. After this, I must say, I should have thought that if any attack were to be made upon us, it would have been on very different grounds, and from a very opposite quarter. We might expect to hear objections raised in the debates on this proposition that we were doing more for the Church than you yourselves by your own arguments, and statements, and principles laid ground for. We might be told, that we were giving up a principle for which we have battled; and if that cry shall be raised, I can only say that I shall be happy to meet it when it is. In this explanation of the conduct of the Government, I merely wish to state that having once plainly laid down that principle which we think proper, expedient, and just—having done what in us lay, not once, not twice, but in repeated instances, and in a series of bills that would have carried that principle into effect—having done that, I am willing to admit, in the face of and in spite of much opposition and much public inconvenience, we have been willing to try, after so much of failure, which we admit and deplore—we are willing to try whether, by making a more comprehensive change in the existing system, by taking a wider range, by removing everything connected with the payment of tithe out of sight both of the occupier and of the owner of the land, by removing everything connected with the collection of that obnoxious impost from the soil of Ireland—after, too, what we fondly and credulously thought an encouragement and an invitation held out from the highest and most illustrious quarter opposite, we have been and are willing to try whether we could not, by the measure which my noble Friend has laid on the table, bring to a termination the present unhappy state of irritation and suspense, and place the question on a footing which, although it might not be wholly satisfactory to any party, should nevertheless be generally acquiesced in; and which, if we had been met with anything of the spirit of fair compromise and the desire of conciliation, would have effected the settlement of this question, and would have restored the country to that state of peace and repose for which in this debatable territory the combatants have been so long sighing. I protest in the face of man, and still more solemnly, that this was our simple and single object in bringing forward the measure which we have laid upon your table, although we know that in doing so, we must be exposing ourselves to much of obloquy and misrepresentation. The noble Lord opposite (Lord Stanley) taunts us with seeking concealment and endeavouring to entrap the unwary, and with using misrepresentations. As the resolutions stand at present, I am sure any one who has given his attention to the subject will see, that they make no pretence of asserting the principle of appropriation, because we did hope, in the face of the difficulties that environed the question, and in the hope of obtaining a satisfactory solution and termination of it, that when we removed the cause of irritation from the sore place we should ensure a corresponding benefit; but the amendment of the hon. Baronet has given a new turn to the whole question, and to our entire course. The noble Lord the Member for Lancashire (Lord Stanley) says if you do not by your measure carry out the principle of appropriation, why not consent to rescind the resolutions. My noble Friend (Lord J. Russell) has quoted many instances in which resolutions were still allowed to remain on the journals of the House, and were not considered to interfere with subsequent measures taken in despite of them. In former years, it was proposed on the other side to adopt the amendments made by the other House in Irish tithe bills, so as to pass a measure divested of the appropriation clause, and yet no effort was made to get rid of the obnoxious resolution. It is difficult to hit the taste and fancy of the Gentlemen opposite. When we bring forward a bill with the appropriation as our principle they revolt from it—they would sooner perish than pass it; and when we bring forward a bill without appropriation, they say they will not consider—they will first make us eat our own words. They show as plainly as ever yet was shown that their object is not the peaceable and harmonious settlement of this question—a question which agitates and distracts and convulses the country, which exposes the population of Ireland to sanguinary collisions, and too many clergymen to the most pitiable destitution. But what does the amendment of the hon. Baronet propose to do? It is not merely to rescind a solemn act of a former Parliament, it is not merely to nullify the formal declaration of opinion in which the great majority of those on this side of the House concurred, but it is to make an admission, as necessarily must be done, that those resolutions were founded on wrong grounds and were inspired by vicious principles. It is, in other words, to proclaim that the Church of Ireland with its present duties and its present revenues rests upon a footing that is perfectly just, proper, and expedient; that it would be impolicy to disturb, and sacrilege to diminish them. I must beg leave to ask the House, as this question has been forced upon us by those who consider themselves the friends and the steady supporters of the Church, as we have sometimes the courtesy to call them and they have the simplicity to believe themselves—I must ask what is this Church, what are the duties, and what are the revenues, to assert the inviolability of which we are called upon, forsaking practical steps into which the hon. Baronet who moved the amendment confessed that he had not condescended to look for the sake of committing ourselves to this useless and abstract demonstration? I do not wish, and I am far from intending, after the many occasions upon which I have been called upon to go into this question to open the whole case of the Church of Ireland; but as the inquiry has been put to me, I must remind the House that from the population returns to which the right hon. and learned Gentleman (Mr. Lefroy) referred, it appears that the population of Ireland, at the last enumeration, was 7,943,940. Of these the Established Church numbers 852,664 persons, or I do not mind giving a million. The Prebyterians number 642,356; the other Protestant dissenters amount to 21,808 persons, and the Roman Catholics number 6,427,712 persons. And what is the distribution of the incomes of the several persuasions? The Established Church, of 852,664 persons, has at present an annual income amounting to, in round numbers, 800,000*l.*; the Presbyterian church, with its 642,356 persons, receives between 20,000*l* and 30,000*l.*; whilst the remaining portion, the 6,427,712 Roman Catholics, do not receive a single stiver of the public money. Is it then on behalf of the inviolability of this specimen of ecclesiastical polity that the chivalry of the opposite benches is to be called out to check the progress of legislation, and to encumber and blast the hopes of an amicable arrangement. In consequence of difficulties which we are unable to surmount, and from a desire of doing that which appears to promise a happier state of things, we do not insist on the principle of appropriation, but we refuse our assent to the amendment of the hon. Baronet, because we think it lays down an unfounded claim and establishes an improper inference. I refuse my assent to it because I believe, that the system of ecclesiastical polity of which, in coming forward this night, the hon. Baronet shows himself an ardent defender, is not congenial to the rights nor suitable to the interests of the people—because I believe, that it is not founded either in conventional policy or in natural justice, and because I believe, that its authority is not derived from the highest source of all rights, all interests, all policy, and all justice—the inspired records. I call on the House to place, side by side, the arguments used by hon. Gentlemen for the maintenance of the Church Establishment of England, and for the extension of Church provision in Scotland, with the absolute refusal given by them even to suffer an abstract resolution to remain on the books, to provide for the spiritual destitution of an immense mass of the population of Ireland, by the payment of one single farthing from those costly revenues which the piety of former ages dedicated to the religious wants of the nation. The arguments of the Gentlemen opposite seem, in my eyes, to be marked with the most glaring inconsistency or the most shallow hypocrisy. It is as one country saying to its sister and co-ordinate country, "You are a conquered nation, and my religion shall be yours"—it is as one man saying to his fellow-creature, "My opinion is sounder than yours, and you shall either profess it or starve." I admit, for one, that both in the proposition of this year as well as in the propositions of former years —we do concede much of abstract argument, that we do fall short of the natural conclusions which from some of our premises might be deduced. Yes, and do none of you do that? I admit, that some of my premises would admit of the propriety of making provision for the Roman Catholic clergy. We do not bring forward this, we do not intend to bring it forward, nor do I think, there is any probability of such a proposition being brought forward. But is such an intention or opinion confined to us? Did not the hon. Baronet, the mover of your amendment, this evening tell us, that this was his opinion, and was it not by a distinguished Member of the Opposition that that proposition was first brought forward? By the scheme we now propose we offer to do more than ever was done before, and to give up more than ever was conceded before, in order to effect an amicable settlement of this question. That is our view, spirit, and intention. But, no! a party struggle must be waged—a party vote must be given. Your expiring and flickering chance of a majority must undergo another risk, and the ground you have chosen for your appeal is the inviolable, inalienable, condition of the revenues and duties of the Church of Ireland. Well, then in that case I do not hesitate to take up your gage, and though the noble Lord may here or elsewhere be ready to cry, "Up guards, and at them!" upon this, the noble Lord's favourite ground of the Church of Ireland, as put in issue on the motion of the hon. Baronet to rescind the resolutions of 1835, I take up the challenge he has given with as firm a front, and as fearless a confidence, as even he can muster, and may the truth prevail and prosper!

Debate adjourned.

HOUSE OF LORDS,

Tuesday May 15, 1838

Minutes.] Bills. Read a first time:—Court of Session (Scotland); Clergymen's Residence Act Amendment.—Read a second time:—Regency Amendment.—Read a third time:—The Vestries.

Petitions presented. By the Bishop of London, from Spitalfields, complaining of great distress.—By the Marquess of Sligo, from Whitehaven, and several other places, by the Bishop of Chester, from Appleby, and other places in Westmorland and Cumberland, by Viscount Falkland, from Orkney, and by Lord Wallace, from places in Scotland, for the Abolition of Negro Apprentices.—By the Earl of Radnor, from the Guardians of Wilton, in favour of the New Poor-law.—By the Earl of Roden, from the counties of Antrim and Kilkenny, against the Irish Poor-law.—By the Marquess of Londonderry, from the county of Derry, against the National system of Education (Ireland).—By Viscount Falkland, from the Island of Orkney, on the subject of Prison Discipline in Scotland.

New Poor-Law.] Earl *Stanhope:* As the petitions which were presented in favour of the Poor-law bill by the noble Earl (Earl of Radnor) were "few and far between," he felt bound to state, for the noble Earl's information, that he held in his hand a petition from a board of guardians also, which was entitled to the noble Earl's respectful consideration. It was from the guardians of Huddersfield, who expressed in strong terms their condemnation of the present bill, and their entire satisfaction with the old system. The noble Duke on the cross-bench, who had last night expressed himself so strongly in favour of a number of different signatures being affixed to petitions, would find what must be to him a most agreeable variety in the present case. The name of Gurney, which occurred so frequently in the petitions which he had presented last night, was as common as that of Smith in other parts of the country, with respect to the latter of which names Lord Thurlow once said, that it was no name, but an appellation common to the whole human race.

The Duke of *Richmond* said, that after having been appealed to by the noble Lord, he was quite willing to accede to the petitioners the credit of being most respectable men, though his noble Friend had often spoken of the members of boards of guardians as if they were not so. It was perfectly true, as stated by his noble Friend, that Gurney was a common name in Suffolk; but the objection which he had urged last night to the petition of his noble Friend was not that individuals bearing that name had signed the petition, but that the vice-chairman of his noble Friend's Anti-Poor-law Association, who had sworn, that he was getting up information on the subject through various parts of the country, and who was well aware of the importance of getting up signatures, could not prevail on the labourers of the parish from which it purported to be sent to sign the petition, and he therefore thought himself justified in subscribing a number of names for them. It could not, therefore, be said to be the petition of that parish; and the only reason why he had opposed it was, that if the petitions were received which had not been signed in the usual way, the weight attached to this sacred right of the people must be diminished.

The Earl of *Radnor* observed, that the petition which the noble Earl (Earl Stanhope) had presented came from a board of guardians who had not yet witnessed the good effects of the bill, whereas the petition which he had laid before them came from a district where the bill had been two years in operation.

Earl *Stanhope*: The petitioners to whose statements he had called the attention of their lordships expressed themselves entirely satisfied with the present administration of the old system. With respect to what had fallen from the noble Duke as to the guardians, he seemed to forget entirely that the overseers and church-wardens were selected from the middle classes, and that the poor were much more fairly and fully represented in the vestry than by the board of guardians. As to the individual to whom the noble Duke had alluded, it was true, that he was the vice-chairman of an agricultural society, but he did not fill that office in the Anti-Poor-Law association. With respect to the petition which he had presented from Suffolk, it might be irregular, that parties unable to write their name should have them affixed to a petition by another; but he denied that any name was affixed to the petition without the distinct authority of the party who bore it.

The petition laid on the table.

HOUSE OF COMMONS,

Tuesday, May 15, 1838.

MINUTES.] Petitions presented. By Mr. HUME, from Brentford, Isleworth, Hounslow, and by the SOLICITOR-GENERAL, from St. Andrew's, Holborn, and several other places, in favour of the County Courts Bill.

TITHES (IRELAND) — ADJOURNED DEBATE.] Mr. *Litton* said, on the Order of the Day being read for resuming the adjourned debate, on the motion for the Speaker to leave the chair to go into a Committee on the Tithes (Ireland) Act, it was a great satisfaction to him to know that his opinion coincided with the great mass of the Protestant population of Ireland, and that there were very few indeed of the members of the Established Church who did not agree in thinking, that great injury and mischief to that Establishment, and vast injustice to individuals would result from these resolutions. With respect, moreover, to the clergy themselves (and he thought that they ought to be considered in a matter like this), as far as he had been able to inquire, there was not one dissentient voice from the opposition they were disposed to give to the details and principles of this measure. Let it not be said, that a boon was conferred by it on the clergy, but let it be distinctly understood, that they considered it an infraction of private rights, and that any bill founded on those resolutions would strike at the root of all private property and of the Established Church in Ireland. It was important that English Members on both sides of the House should know exactly what were the general receipts of the Church of Ireland on account of tithes, in consequence of the working of the various Acts of Parliament passed within the last few years. By the operation of Lord Stanley's Act two modes were suggested by which the payment of tithe might be taken from occupiers. The first was by means of what were called undertaking landlords—that was to say, landlords who took upon themselves the payment of tithe; and he could inform the House, that in the province of Ulster, at least six sevenths of the tithe were paid by undertaking landlords. Therefore in that part of Ireland the clergy received their income without the slightest difficulty, and without any loss; and it could not be said, that it would be conferring a bonus on that clergy if an additional fifteen per cent should at once be deducted from their income, and nothing given them in return. It was enacted by other provisions of Lord Stanley's Act, that in every case of a tenancy from year to year subsequent to August, 1832, and in every case of a lease falling in, the landlord should after that period be charged with the payment of tithes without deduction, and that the leaseholder and tenant should be no longer liable. What had been the result of the operation of those provisions? In the southern and western parts of Ireland, where the greatest discontent used to exist at the payment of tithes when it was in the hands of the occupier, the tithe to the extent of twenty or thirty per cent. had now become payable by the landlord. Moreover, in consequence of the proceedings taken in the courts of Chancery and Exchequer, and the other courts of law, even the occupier who formerly resisted the collection of tithe now paid it without hesitation or opposition. In applying for the aid of the law, it had been the care of the clergyman not to punish the occupier for a fault into which he had been seduced; but they fixed on the landlord and on the anti-tithe conspirator; and in every case where they had taken proceedings they had succeeded. The result was, that even occupiers did at the present moment pay tithes to a great extent in Ireland. Taking all these circumstances into consideration, he would venture to pronounce, that it would appear by returns he intended to move for, that the clergy of Ireland did one an average receive fifty per cent. of their tithe without deduction, without litigation, and without interruption; and a gross injustice would be committed on that body if the House should adopt a plan which, giving them no greater security for their income than they at present enjoyed with respect to the receipt of fifty per cent. of their tithe, should yet make a deduction of no less than three-fifths from their receipts. He therefore entirely impugned the propriety of the first resolution, which went to effect an unexampled reduction of the income of the clergy, uncalled for by the present state of the law, or the necessities of the clergy. The deduction that was proposed to be made amounted in reality to eighty per cent.; for it included the *50l.* which the clergy did not yet receive, and also three-fifths of the other *50l.* which they did receive; and if they refused to accede to this enormous reduction of their revenue, the enemies of the Church would of course stigmatise them as a grasping and griping class of men. With respect to the effect of the resolutions on the successors of the existing clergymen, he totally dissented from the representation made last night by the noble Lord opposite, who, whilst he avoided any distinct enunciation of an intention to appropriate to secular purposes any portion of the income of the present clergy, yet, with respect to their successors, did in substance propose by his resolutions to effect such an appropriation to the amount of four-fifths of the income of the Church every year. What, he asked, would be produced to the clergy if the noble Lord's second resolution were passed and acted upon? The successors of the existing clergy would, if the redemption money were vested in the three and a-half per cents., obtain for every *100l.* somewhere about *56l.* a-year, and if the money were vested in land, even then it would not produce more than four per cent. Consequently, there was something which the clergy would lose, and which would be pocketed by the State and applied to secular purposes. By the sixth resolution it was provided, that any surplus which might exist after certain payments were provided for, should form part of the consolidated fund, and be applied to local purposes, by which he understood that secular purposes were meant; and he was confirmed in that impression by a passage in the letter written by Mr. O'Connell to the people of Ireland, in which the learned Member stated, that "the part of the plan which most induced him to agree to it was, that the tithe rent-charges, when purchased by the Government, were to be appropriated to local purposes, that was to say, to county charges and to education. It was right that those resolutions, which stood on the journals of the House, and which fettered their deliberations should be expunged. It was necessary for everybody who wished to come to the discussion of any measure for the settlement of the tithe questions to have the resolutions of 1835 erased. It would be wrong to enter at length into the question of a surplus arising out of the tithe scheme of the Government, but the appropriation clause of 1835 required to be rescinded before Parliament could enter upon any other measure for the final settlement of tithes which did not contain the appropriation principle. It was well known, that there was a large minority of that House, a large majority in the House of Lords, and a vast body of the people out of doors who were conscientiously opposed to the principle of appropriation, and who would never sanction any tithe measure which contained that principle, or look without doubt on any scheme for the settlement of tithes, while the resolutions of 1835 hung suspended over them by remaining on the journals of the House. He, therefore, charged the Government with wishing to throw amongst them an apple of discord by their resistance to the motion of the hon. Baronet, the Member for Devonshire, and with wishing to keep up the agitation which existed throughout the country on the subject of the Church. Why should those resolutions be preserved, and for what purpose was it, that the Government persisted in retaining them? While they were allowed to stand on the journals of the House the Government must be perfectly aware that they could never pass any tithe measure; and it was therefore the Government, and not the Members of the Opposition, who were to blame for retarding the settlement of this important question. Remove those resolutions from the journals, and the fears of the clergy and of the friends of the Church would be diminished, and the House of Commons would then be in a condition to enter calmly and without prejudice on the consideration of any measure which the Government might bring forward for the settlement of the question of tithes. Those revenues, if fairly applied, were not too great for the wants of the establishment, and whatever surplus might be created by the tithe scheme of the Government, would be required to provide an adequate income for the poorer clergy, instead of being devoted to secular purposes. On this point, he would beg to direct the attention of the House, but more particularly of the Government, to the petitions which had been presented from the clergy of Ireland. One of these—a petition from the clergy of the diocese of Killaloe—stated, that notwithstanding the efforts which had been made to create a surplus out of the revenues of the Church, it was a well known fact that those revenues were not more than sufficient to provide a decent maintenance for the clergymen of the Church of Ireland, and that a deduction of thirty per cent. from their incomes would be productive of ruin to themselves and families. He could mention some instances of the truth of that statement which had come under his own observation. He was acquainted with a vicar whose gross income was 139*l.* a year, and who had a large family to support out of that amount. His real income, however, was not so much, for after making such deductions as he was obliged to make, his living was not worth more than 103*l.* Now, if they made the proposed reductions from that sum, they would leave the income totally inadequate to the wants of himself and family. Formerly a necessity might have existed for such a scheme as was now proposed. When the opposition to the payment of tithes was general, and when that opposition produced anarchy and confusion and open resistance to the law, a measure like the one proposed by the Government might have been deemed necessary, but since the passing of the bill of the noble Lord near him (Lord Stanley) the payments to the clergy had been regularly and tranquilly made, and now the clergy told them that all they wanted from Parliament was to be let alone, and that they would not adopt measures which could only tend to the ruin of themselves and families. When, therefore, no necessity existed for such an interference with vested rights, was it wise or politic for the Government to bring forward a scheme which tended to weaken the Established Church and to plunge the clergy of Ireland into ruin? No war called for such a measure; the revenues of the country surely did not require that they should rob the clergy of their incomes; and was it fair that they should be called on by the Government to give their assent to a measure so injurious to the Church as the one the Ministers had proposed, solely for the purpose, for there could be no other reason, of gratifying a portion of the House—he alluded to those Irish Members who were supporters of the Administration? For such a reason as that was Parliament to break through the vested rights of the Church and inflict on the clergy an injury which ought not to be tolerated in any free and civilized state? He trusted Parliament would not consent to any such wrong. Such a measure would be attended with most injurious effects on the incomes of the clergy of Ireland. If those commutations were opened, it would be impossible, in many cases, for the clergy to substantiate their titles to the tithes which had been commuted, the documents having been destroyed, as they had trusted to the faith of an Act of Parliament. That part of the resolutions, therefore, which related to the opening the commutations which had been effected under the act of which he had alluded, would tend to throw Ireland into a state of confusion, and would, if carried into effect, create the greatest difficulties as regarded the title to tithes. If the Government themselves had framed those resolutions, which he doubted, and if they had inquired into the circumstances under which the commutations of tithes in Ireland had been effected, he was sure they never would have proposed to open them at present. He, therefore, objected to all the principle and all the details of the Government scheme for the settlement of the tithe question. It encroached more than any measure he had ever seen on the vested rights of the Church, while it tended to destroy the fixed title of the clergy to any property, to any income whatsoever. What right had Parliament to substitute a money security for a fee simple title—a title which was as good as that of any Gentleman present to his estate? The effect of the Government measure was to disconnect the title of the clergy to their incomes with the land, and to place any claim which they might afterwards be allowed to retain on the civil list. That such would be the effect of the measure proposed was as clear as daylight. The rent-charge was to be paid into the consolidated fund, and the eighth resolution directed the incomes of the clergy to be paid from that fund. But had they any right to destroy a title which had existed for centuries, which was as good as that of any title to any estate, which was conferred on the clergy by charters, and on the faith of which family settlements had been made—had they any right, he would ask, to destroy that title, to change it for a mere claim upon the civil list? The noble Lord opposite had said, that the title of the clergy to their incomes would be as good as that of her Majesty to her's. That might be so; but had they not heard the civil list combated, had they not seen the civil list reduced, and were the incomes of the clergy then to be subjected yearly to the examination of Parliament, and to the objections of those hon. Members who hereafter might think seventy per cent. a little too much for a grasping clergy, as they would be termed! If any war should arise, or should any extraordinary demand be made on the national revenues, where was to be the guarantee that some hon. Member might not deem seventy per cent. a little too much for the clergy, and propose a still further reduction in order to meet the exigencies of the State? The revenues of the Church would be suggested to an annual revision, and in such a state of things there could be no security, and therefore it was, that the clergy of Ireland, to a man, objected to the resolutions of the noble Lord. They justly said, that these resolutions struck at the titles of the Church to her possessions, and tended to make churchmen pensioners of the State. To show, that the object of the framers was to strike down the title of the clergy to their incomes, and to make them dependent on the civil list, the House need only look at what was to be done with lay impropriators, who were to be allowed to do with their property as they pleased. Why was the distinction made? Because the object was, to destroy the semblance of a Church Establishment, and the independence of the clergy. Now he would ask whether, if ever a measure were brought forward founded on the resolutions which had been proposed, which he trusted would not be the case, the titles of the lay impropriators were to be preserved, and if they were, why was the very name of an Establishment to be cut up, and the titles and property of the Church utterly destroyed? The noble Lord opposite had admitted, that if they weakened the Church of Ireland, the effect would be to weaken the Church of England at the same time, and he allowed that the terms of the union were, that the Church of England and the Church of Ireland should be the same; and to what the noble Lord had said he (Mr. Litton) would add, that they could not destroy the Church of Ireland without destroying the Church of England. He did, therefore, earnestly entreat the English Members of that House who were favourable to a Church Establishment, to pause before they consented to the resolutions which had been proposed, and to reflect on the admissions of the noble Lord opposite, that whatever tended to weaken the Church of Ireland tended also to weaken the Church of England. The measure which had been proposed tended to weaken the Church of Ireland, and could those who were Members of the Church of England sanction that measure after what had been stated and allowed by the noble Lord? He would ask the House, especially the English Members, and indeed the Irish Members of all sides of politics, who were nevertheless attached to the Church, or professed to be so, under whose auspices were those resolutions introduced? Who declared their approval of them? Who cheered the Ministers on? Who stated them to be the only remedy for Ireland's woes? Without meaning any personal offence, he would reply, it was the head of the anti-tithe party in Ireland—the man who had declared, that the Protestant Church was the bane of Ireland. Was there not ground then for looking on those resolutions with great suspicion? Should not they who looked on the Church as a pillar of the State, and as a necessary and valuable establishment for the protection of morals and the advancement of education and religion amongst the people, consider well what must be the effect of such resolutions, both to the English as well as to the Irish Church, accompanied by such declaration, and fostered by such patronage? The noble Lord, in his speech last night, called the ministers of the Church of Ireland, ministers of strife, and said they would give only fifteen per cent for peace, so little did they value it, and made many other remarks of a similar character reflecting on the Irish Protestant clergy. He must say, that either those who used such language used it for a purpose in that House, or they must be wholly ignorant of the character of the Protestant clergymen in Ireland. Having lived nearly all his life in that country, and knowing what the character of those much maligned men was, he could not suffer such a stigma to be cast upon them without protesting against it as undeserved and unjustifiable. Were not the Irish Protestant clergy the friends of the poor? Did they not visit the sick and the dying, and administer to their necessities by affording both physical and spiritual comforts? When they were in the receipt of their incomes, was not their money scattered in blessings on the people in the midst of whom they were placed? and did they not give away to the poor far more than they received in tithes? He had no hesitation in saying, that the Irish Protestant clergy were amongst the best benefactors the people had ever known. The noble Lord (Lord Morpeth), at the close of his speech last night, vaunted of the majority which he expected, and spoke with an air of triumph on the subject. The noble Lord said, that he was glad to meet us on the Church question, and that he would beat us, and show us how puny we are. It was possible there might be a puny majority against the motion of his hon. Friend. He was very certain that a portion of the English Members have been won over to the abettors of the destruction of the church-rates, and the Irish members also have been won over to support ministers by half-promises, but made openly and avowedly in these resolutions, to destroy the establishment. Between the two, it might be very likely that they would have a puny majority in their favour, but he thought Ministers would have to answer to the Protestant gentlemen of England, for carrying a measure respecting the Church Establishment in Ireland upon a majority made up of such materials. He called on the Protestant gentlemen of England to look at the lists of the division that was to take place. Let them observe in the majority how many declared enemies of the Church there were; and if they found that majority to be made up of those who had openly professed their animosity to the Church, and whom Ministers had thought fit to call to their aid, let them consider how far Ministers would deserve the confidence of this Protestant country, governed under a Protestant constitution, and how the Protestant Ministers of a Protestant Queen owing this majority mainly, and perhaps altogether, to a body of men, openly and avowedly opposed to a Protestant Church, would answer to the country for thus swamping Protestant principle and feeling by depending on such a majority.

Mr. *Lascelles* was one of those, who at the conclusion of the last Session of Parliament, had looked forward with satisfaction to the prospect of some amicable arrangement of this question. He should indeed be sorry that any vote which he was about to give in this preliminary stage, should be supposed to preclude the most full and dispassionate consideration of the entire subject. He had a great disinclination that party battles should be fought on such questions, and it was for this reason, that he was the more ready to support the amendment, and so far to remove an obstacle to the amicable settlement of this question. No one could deny the difficulties that surrounded this question. In voting for the amendment, he did not see on what grounds it could be said, that he was thereby voting for a re-enactment of the penal code, or for any harsh measures towards Ireland. The question was, whether or no the appropriation principle should be maintained. To that principle he was decidedly opposed, and if he had been in the last Parliament, he should have voted against it. He thought it at the time unadvisable and objectionable, and he was of the same opinion still. It was his intention now to vote for the rescinding of that resolution, and he would give that vote in the hope of doing away with the difficulties that stood in the way of an amicable arrangement of the question. Whether or not it were possible for the Government to accede to the rescinding of that resolution was no concern of his, and perhaps it was too much to expect that they would do so. Those who, in the first instance, stated that principle to be necessary for the settlement of this question, now themselves avowed that they did not think it to be necessary in any arrangement for the settlement of this question. He thought it highly advisable, that this resolution should be rescinded, and would therefore support the amendment proposed by the hon. Baronet.

Mr. *Redington* was strongly opposed to the Amendment proposed by the hon. Baronet. The hon. and learned Gentleman (Mr. Litton) had boasted of speaking the sentiments of 600,000 Protestants of Ireland; he not only spoke, but entertertained the opinions and sentiments of 6,000,000 of the people of Ireland. Great stress had been laid upon the petition from the clergy of Armagh against the Ministerial plan for settling the tithe question, and it had been declared that the clergy of the Established Church in Ireland were unanimous in their opposition to that measure. But, so far from this being the fact, he had seen a letter written by the Dean of Cloyne, in which he expressly stated not only that he was himself strongly against the sentiments set forth in the petition from the clergy of Armagh, but that many of the clergy in his diocese were equally opposed to that petition, and that it was the intention of those individuals to get up and present a counter petition to the House upon the question. What, indeed, was the language held by those ministers of the Gospel who displayed such hostility to the measure proposed by her Majesty's Government? They in effect declared this:—fifty per cent. we are now able to obtain; to another fifty we are entitled, and we would rather have the fifty per cent. we now get with strife, than the seventy per cent. offered to us with peace." As an Irish land lord, he could not but express his very great disappointment at the course which this debate had taken. He had fondly entertained the hope that a better state of things was coming on, and that the peace and tranquillity of Ireland, without which it never could be prosperous, would have been the object of the Legislature, without any reference whatever to the spirit of party. Unfortunately, however, for that country, it was again to be made the victim of Tory enmity and strife. An hon. Baronet, indeed, who took part in the debate last night, disclaimed being a Tory, and declared he hated the very name of Tory, and that neither he nor his party were Tories. True, they were not, for they were chiefly made up of *ci-devant* Radicals, *ci-devant* Whigs, and *ci-devant* anti-Catholic Orangemen, and assumed to themselves the name of Conservatives. It had been urged as one reason for rescinding the resolutions of 1835, that the appropriation principle had in effect been abandoned by her Majesty's Government, and it was therefore inconsistent for them to retain that resolution on the journals of the House. Now, he remembered, that when the right hon. Baronet (Sir R. Peel) was as the head of the Government, certain resolutions were proposed by the then Secretary for Ireland (Sir H. Hardinge), and adopted by the House, one of which declared a determination on the part of the Government to do justice to Ireland. If the object of the hon. Baronet who had brought forward the Amendment should succeed, and if the measure introduced by her Majesty's Government was to be met in this hostile manner, he hoped, for the sake of consistency, that the right hon. Baronet would immediately propose to rescind that resolution also, and send the Irish Members back to Ireland, that they might tell their constituents that this Parliament had rescinded the resolution which pledged the Government and Legislature to do them justice. Hon. Gentlemen should not wholly disregard the lessons to be learned from history. There was a time when the Catholic Church in this country held as high a position as the Protestant Church held at the present day, till a discontented Monarch ventured to alter its position, and then when the hour of adversity came, those who had been most cherished as her friends, became the foremost to share and partake of her spoils. Such a case might again occur. If they created discontent in the minds of the people, it behoved them to remember that a united people were as strong as a despot who combined all power in his own person, and the Church of England might perish as the Catholic Church, and its name be almost forgotten; and then, possibly, those who now in their simplicity considered themselves the friends of the Church, would bootlessly regret that they had acquired experience from the past too late. He regretted the absence of the hon. Baronet, the Member for the University of Oxford, because he, as a Member of Christ Church in that University, could inform the House that that College was founded by Cardinal Wolsey; by the confiscations of the property belonging to two monasteries in Oxford; and the hon. Baronet could also say whether, in his opinion, that was or was not an appropriation of property which had been diverted from religious uses to educational purposes. He knew, and the country knew, full well, the reasons why the principle of appropriation had been postponed for the present; and notwithstanding that postponement, he would support the noble Lord's resolutions, and strenuously oppose the rescinding of the recorded principle.

Mr. *Townley* was understood to say, that it was apparent that in this discussion there was something savouring strongly of party feeling—that the amendment had been moved for the purpose of founding an attack, and affixing a stigma upon the present Government, and displacing them from the situation which they now held. On the question of the appropriation clause, he felt himself bound to separate himself from those with whose views it was his happiness generally to concur, and to vote against that proposition; but, on the present occasion, as the resolutions of the noble Lord (the Secretary for the Home Department) did not embrace the principle of appropriation, he should vote for going into their consideration. That being the case, he felt satisfied, that he should not act inconsistently with his former vote in joining, on this occasion, those in whom he placed confidence. Looking also to the prospect of no greater peace for Ireland than that which had been secured by those in whose hands the Government of that country was now placed, he, in the exercise of the discretion vested in him, felt that by voting in favour of the resolutions of the noble Lord, he should best discharge his duty to his constituents, and to the country at large.

Mr. *Young* said, that no man could be more anxious than he was, to see the House arrive at a final and satisfactory settlement of that much-agitated question. But the resolution of 1835 fettered their movements. While it remained, there was no security for the Church. An instalment, to use the common parlance of the hon. Member for Dublin, might be taken in shape of the resolutions of 1838, by the Liberal party; but, when opportunity served, they would infallibly recur to those of 1835, which were, in fact, the first step towards the voluntary principle—to that point, most of the arguments on the other side tended. Allusion had been made to the clergy of Ireland, as overpaid and luxurious; but it might be gathered from the speech of the noble Lord, the Secretary of State, that, taking the extent of duty, the number and wealth of the Protestants, he did not consider the Church too highly remunerated. This was the fact; for, by accurate reports, it appeared, that there were 1,545 parishes in Ireland, in which there were more than fifty Protestants. If the whole amount of tithe remaining, after the various deductions made in the last few years were apportioned to those parishes—leaving unprovided all curates, all repairs of the fabric of the Church, and all the other parishes in which there are less than fifty Protestants, the stipend for each parish would be 180*l.* per annum. This was what was called an overpaid and luxurious establishment. The accounts of the Commissioners who managed the revenues of the ten sees suppressed, when Church-cess was abolished, showed their affairs so deeply in debt, that if they were those of an individual, they might fairly be considered irretrievable. They were not in a situation to aid the Church, 534 benefices were without glebe-houses; 210 benefices, in which there were Protestant congregations, were even without churches; while forty-seven applications for glebe-houses, inherited from the old commission, and forty-three new ones, making a total of ninety, remained unattended to. He was happy to say, the returns also showed that the Protestant population had increased in 1,200 parishes. The hon. Member for Drogheda had laid much stress on the feeling of the Roman Catholics in favour of the principle of appropriation; of course they supported it, because it forwarded the views, and might increase the revenues of their own Church; just as the advocate of the voluntary principle gave it his vote, because he justly considered it a step towards his end of dissevering the Church from the State, and excluding religious instruction altogether from the national education. But, on these very grounds, the great body of

Protestants objected to it, and imputed wilful inconsistency, or gross self-delusion, to those who, like the Ministers, lavished empty professions of support on the Church, while their acts directly tended to increase, not the malice, for that was impossible, but the power and the number of her enemies. They thought not of the advantage or permanent interests of the Church—facts such as he had glanced at, formed no element in their view of the case. It seemed astonishing how any Minister, looking to such facts, could persist in seriously contemplating the idea of a surplus; but even if a surplus existed, or could be produced, in the revenues of part of the Protestant Church in England or Ireland, how could alienation to secular purposes be thought of, while there remained in large towns so vast and disgraceful a deficiency of religious instruction? In the metropolis, it was said, a hundred new churches would scarcely suffice to afford the means of attending public worship to the population. But look to Glasgow. Had she been adequately provided in this respect? Had there been there, instead of a scanty and overtasked few, many ministers, moving amongst all classes, and preaching peace and good-will, would the House have heard so much odious recrimination of avarice and oppression against the rich—of combination founded on intimidation and outrage against the poor? Why, the accounts of children broken in health, and debarred from all instruction, by early and incessant labour, of ingenious devices, by which, for some additional profit, men were made mere machines, driven into depraved habits, and their physical and mental energies exhausted before they reached, certainly before they passed, what ought to be the period of vigorous manhood—evinced but little charity in the employers—while the employed—their state was proved by the report of the trial of the cotton-spinners, which the Lord-Advocate had just put into his (Mr. Young's) hands, as a member of the combination committee, were filled with anger against their masters. At a meeting of delegates, not ignorant ill-informed men, but persons of apt, acute intellects, ready letter-writers, fluent speakers, the question of putting all the master cotton-spinners in the town to death, was debated for several hours. Ultimately, the question passed in the negative, not because it would have been an atrocious violation of all laws, human and divine, but because it was not expedient. The middle course of a single assassination was resorted to, and would have been accomplished but for the vigilance and vigour of the sheriff, Mr. Alison. Well might that gentleman give it as the result of his long experience and close observation, that there exists in the manufacturing districts an amount of evil which if not arrested by the returning good sense of the workmen, or the efforts of the Legislature, would paralyze the industry and destroy the social condition of the country. He did not mean to undervalue the effects of general education, as he believed, that it frequently diminished the ferocity of human nature, but he would say, that if any surplus could by any exercise of ingenuity be raised out of the revenues of the Church of Ireland, let it be devoted to the religious instruction of the population, under the auspices and according to the doctrines of the Established Church. He was a good deal surprised last night to hear the noble Lord, the Secretary for Ireland, assert, that the gross amount of the income of the Protestant Church of Ireland was disproportioned to the population. In making that assertion, the noble Lord seemed to have forgotten that his noble Colleague, the Secretary of State for the Home Department, had in the earlier part of the evening stated, in effect, that although the position of the Irish clergy with regard to the Catholics was rather anomalous, yet if the duties which they had to perform and the wealth of the Protestants were taken into consideration, the revenue of the establishment was by no means out of proportion to the population. Another argument which had been employed last night was, that the attempt to rescind the resolutions of 1835 argued a wish and a tendency to return to the harshness with which the Roman Catholics of Ireland were formerly treated. He disclaimed for himself, and for all those with whom he was acquainted, any such intention. He did not think such a course practicable, and he did not believe, that any statesman, or any person of common powers of observation, would think of returning to the policy pursued towards the Roman Catholics in the last century. He wished to live in peace with his Roman Catholic fellow countrymen, and he thought that if the policy laid down in the statement of the right hon. Member for Tamworth in the latter part of the year 1834 had been fully and fairly carried out, it would have pacified the alarm of the Protestant part of the community, while it would have enlisted on its side the great mass of the property and respectability of the Roman Catholics of Ireland. He preferred the Amendment of the hon. Baronet the Member for North Devon to the resolutions of Ministers, merely as a preliminary. They must get rid of the appropriation resolution before they could come to a consideration of the present resolutions. He was determined, and so were his constituents, to accept of no settlement of the tithe question in which the principle of appropriation was involved.

Mr. *Benett* felt himself placed in a peculiar position on this occasion, as at the time when the appropriation clause was brought forward he had found himself compelled to vote against those persons with whom he had acted politically with the greatest zeal for a long series of years. He had done so from a sense of duty to his country, because he felt, that it would be unjust to appropriate any part of the revenues of the Church to other than ecclesiastical purposes. He confessed, that he had entered on this subject not only with great pain, but with great assiduity, and he had taken the trouble to make himself master of what had passed on Irish subjects for some years past, in order to ascertain what was the proper course for him to pursue, and he believed, that hon. Gentlemen would give him credit for fairness and independence of opinion. Though he still retained, then, the opinions which he formerly held, and though he would not, as far as his opposition could avail, on any account allow an appropriation of what had hitherto been appropriated to the Church for any other than ecclesiastical purposes, yet he could not help thinking that it was his duty to oppose the motion of the hon. Baronet. It was one thing to oppose a resolution, and another to rescind it. The resolution which it was now attempted to rescind, was proposed, he really believed, for party purposes. But he asked himself what was the object of the present Amendment? He had always been opposed to party feeling, and he had never at any time joined any combination for party purposes. He thought that his hon. Friend the Member for North Devon had been induced to make this motion, not from a desire to rescind the obnoxious resolutions, but to make it a great trial of party strength, and with no other object. He desired it, however, to be especially understood that whatever vote he might give on this occasion, he did not intend to depart from his former opinion with respect to the injustice of the appropriation clause. Whenever that principle came in his way he should certainly oppose it, but he had looked into the resolutions proposed by the noble Lord, and he could not see a vestige of the principle of appropriation in them. They were not very clear, he admitted, but he had learned with considerable difficulty and with the assistance of some explanations that were given last night, that not a vestige of appropriation was to be discovered in them. Now, as a friend to the peace of Ireland, and with the peace of Ireland, to the British empire, it was a matter of the last importance that this great question should be settled at once and for ever. He thought that the resolutions now proposed by the noble Lord might lead to such a settlement; but what did he now perceive? There was a firebrand thrown among them. An attempt was made to rescind a resolution which was now obsolete, which he had almost forgotten, and which could not be supposed to bind, and he believed would never bind, any Member of that House. He could not conceive the motion of the hon. Baronet to be brought forward in a friendly spirit. For his own part, he had never thought, and never could think, it just or honest to make a deduction of twenty-five per cent. from the lawful income of the clergy in Ireland, or to give the landowners of that country a bonus for paying what they were bound to pay. He saw, however, that as a question of expediency, something of this kind must be adopted. He observed that the right hon. Baronet the Member for Launceston had, in the tithe bill which he had brought forward, proposed a reduction of the income of the Irish clergy to the extent of twenty-five per cent., and seeing that all Governments considered it was necessary to make some sacrifice, and that the present proposition of the Government was not to make a greater reduction than twenty-five per cent., he thought it expedient to give the landlords of Ireland a bonus, and secure the greater part of the property of the Church at the expense of a portion of it. These resolutions had caused him great difficulty and trouble, because they were somewhat obscure, but he thought that if they were carried, with some amendments which he should propose, they would secure a vast amount of property which a short time longer might place in great jeopardy. Under these feelings he would not stop the working of this measure by any matter of party, or matter of faction—he did not mean to use the words offensively—but he must consider the motion of the hon. Baronet had no other object but to try the strength of parties, and therefore, although he could not give his consent to the principle of appropriation, he was bound in duty to resist the hon. Baronet.

Viscount *Sandon* did not rise for the purpose, in any degree, of impugning the motives of the hon. Gentleman who had just sat down, and he fully and entirely believed, that the opinion at which he had arrived, was as honest and as conscientious as it was possible for any man to exercise. He rose for the purpose of vindicating himself and his hon. Friend, the Member for North Devon, who sat beside him, from the charge of bringing forward this motion merely as a trial of party strength, involving no practical consequences. If he really felt that the resolution which it was now sought to rescind, was as obsolete and effete as the hon. Gentleman opposite considered it, or as effete as the Act of Richard 2nd., which was quoted by another hon. Gentleman last night, he should certainly never have thought fit to interpose as an obstacle to the noble Lord's resolutions the motion of his hon. Friend. "But," continued the noble Lord, "this question obsolete? Obsolete! why, the resolutions are only three years old altogether. These were the constant boast of the Gentlemen who brought them forward, and this is the first year in which the principle which they embody is not avowed. It is said, that the proceeding did not take place in the same Parliament; the objection is purely technical; the party which brought forward the appropriation clause is the same, and there is the same Ministry, and the motion to rescind it is opposed by Gentlemen who have re-asserted their abomination almost of the Church of Ireland as an institution. Is it surprising, then, that we should view with jealousy the continuance of these resolutions on the journals? Obsolete, Sir! Idle! Why, we find the hon. Gentleman opposite looking into the resolutions now proposed by the noble Lord, and exerting all the energies of his practised mind in trying to ascertain, if he could, whether the principle of appropriation was involved in them or not; and are we to be taunted—are the clergy of Ireland to be aspersed, because we and they thought that the principle of appropriation is contained in them? I believe that that principle is not here in substance, but in shadow. What, I ask, was the object with which the sixth of these resolutions was preserved? I believe that it was to delude the people of Ireland, and to enable their friends and leaders to tell them that the principle of appropriation was still preserved, although it was not distinctly marked out in the Government measure. What other object can you point out in your sixth resolution? It says, "That it is the opinion of this Committee that the rent-charges for ecclesiastical tithe should be appropriated by law to certain local charges now defrayed out of the consolidated fund and to education, the surplus to form part of the consolidated fund." I see, by this resolution, that you have still a lingering desire to persuade the people of Ireland that there will be a surplus, and that it shall be devoted to other than ecclesiastical purposes. How else is it that you came to talk of a surplus, and of local charges, unless you wished to make it appear that something like the principle of appropriation is retained, though the substance is gone, and it is found, after a curious examination, not to be in existence! The hon. Gentleman who entered upon that examination asserts the principle of appropriation to be obsolete, but I suspect that there are many Members on his side of the House who would not find it quite convenient to avow to their constituents in Ireland that the principle of appropriation is out of date. We are met by the taunt that this motion is idle, and that, as one hon. Gentleman said, we are raising Cock Robin for the purpose of killing him again. But, Sir, it is no light or trifling matter to shake a great part of the property of Ireland to its foundations. It is no light matter for the Ministers of the Crown to have engaged the House of Commons to assert, that the surplus of the property of the Church should be devoted to objects not connected with ecclesiastical institutions, and that no settlement of the tithe question can be considered final or satisfactory which does not embody that principle. It is no light matter for Ministers to have told an excited population this; and, in my opinion, the only way of restoring the value of the property placed in such imminent hazard is, by having these appropriation resolutions rescinded and disavowed. Those, proceeded the noble Lord, who represented the Church, were now called upon to make a great sacrifice, to make a trial of the State as a paymaster, and to sever their interests from the land with which the clergy had hitherto been connected. They were also called upon to enter into a proposition for extending municipal corporations to Ireland, which many conceived would seriously endanger the interests of the Irish Church, and ought they not to see that the Church was placed in a position of safety, and secured from further assaults? As a means of giving security to the Church Establishment of Ireland, it was their (the Opposition's) desire to erase from the statute-book that fatal resolution, the pernicious consequences of which had been denounced at the moment to hon. Gentlemen at the other side, as fettering future legislation, and interposing insuperable obstacles to the final settlement of this question. Did they not now feel the force of that practical inconvenience, which was at the present moment one of its worst visible consequences — that not only in argument, but in fact the most serious obstacles impeded the definitive arrangement of this great question? It had not been his intention to enter into this question at large; but he had been stimulated by the remarks of his hon. Friend who last addressed the House into an effort to re-establish himself, and those with whom he acted in this matter, in the good opinion of the House; and to prove not only that this was not a mere party question, but that the resolution which it was their object to induce the House to rescind, was neither an idle nor an obsolete resolution; that it was not at this moment without its practical effect; and that, if they abstained from rescinding it, it was in vain for them to expect that security for the Irish Church Establishment, without which it was impossible for them to proceed to the consideration of introducing any change into the system of Municipal Government in Ireland. Entertaining these views, he had no difficulty in supporting the motion of his hon. Friend.

Mr. *Ward* thought, that there were two distinct questions at present before the House, upon which it was competent to any man to arrive at different conclusions. The first had reference to a series of resolutions which had been proposed by the noble Lord, the Secretary for the Home Department for the settlement of the question of Irish tithes; the other was the motion of the hon. Baronet, the Member for North Devon, calling upon them to rescind those resolutions which had passed the House of Commons in the month of April, 1835, and in accordance with which alone it was declared that the Irish tithe question could be brought to a final and satisfactory adjustment. With regard to the first of these subjects, the noble Lord's series of resolutions, he (Mr. Ward) would say but little. They were not then legitimately before the House. He admitted—he felt bound to admit—that he had seen in those resolutions the same ambiguity which had been forcibly pointed out on the previous evening by the noble Lord, the Member for North Lancashire, and which had consumed that night so much of the valuable time of his hon. Friend, the Member for Wiltshire. He had thought that he descried in them the germ of an obnoxious measure; but whatever doubts he had last night entertained had been entirely removed by the speeches of the noble Lord, the Member for Stroud, and the noble Lord, the Secretary for Ireland, by whom it had been avowed distinctly and manfully to be the intention of Government to propose a new measure for the adjustment of this question, in which the appropriation clause would be abandoned on the faith of a declaration which had been made some time since in another place by the Duke of Wellington. This was a determination which he (Mr. Ward) could unfeignedly say, that he deeply regretted. He looked upon the resolution in question as strictly binding upon Ministers. He could never regard as either "obsolete," or "effete," a resolution which spoke the sense of the Commons' House of Parliament. He conceived it to be a living memorial of the feelings of Parliament upon this subject—a solid principle which they must keep fairly before their view in coming to its consideration; and, convinced as he was, that no other principle could ever conduce to the permanent settlement of this question, was he to be blamed when he expressed his regret that any compromise should have been entered into by her Majesty's Ministers? The noble Lord had informed the House last night how he had been seduced by Tory professions, which he had described as snares not to be trusted. He only hoped, that the noble Lord would not trust to them for the future, and that he would derive some substantial benefit from the mode in which this attempt at compromise and conciliation had been received at the other side. His (Lord J. Russell's) strength lay not in fruitless attempts at conciliation, but in making a manly avowal of principles, and calling on the people of this country for their support. The influential party which was ranged on the Opposition benches, great by its intrinsic power, great by the talents which it possessed, great by the influence which it exercised in the country, might strain every effort to oppose the progress of popular measures; but he ventured to say, that there existed a counteracting power in the people, strong enough, in spite of every obstacle, to carry triumphantly forward a Ministry advocating popular and really useful measures. With these few observations he would dismiss the Government proposition. With regard to the proposition of the hon. Member for North Devon, he trusted, that the hon. Baronet would forgive him for observing, that in his speech of the previous evening, he had entirely omitted any allusion to the merits of the resolution which he sought to rescind. The spirit in which he treated the question might be gathered from his observation, that the effect of the resolution in question was that which he had expected it to produce—the removal of the right hon. Baronet, the Member for Tamworth from office. Another right hon. Gentleman, the Member for the University of Dublin, had told them roundly, that this was not only the effect, but the purpose, of the resolution. He had delivered that sentiment in a speech which had electrified the House; that it was party feeling alone which had influenced the bringing forward of this resolution. Why, it amounted almost to an insult to the feelings of the country to say, that there was no principle involved in that memorable resolution, and yet hon. Gentlemen opposite did not hesitate to assert that it originated in purely party motives. Another hon. Baronet (Sir E. Wilmot) asserted, that in the resolution was involved a principle of spoliation; that it was contrary to every principle of justice that any portion of the funds of the Church should be alienated from purposes strictly ecclesiastical. He congratulated the hon. Baronet on the new light which had recently broken in upon him. Would the hon. Baronet allow him to ask whether in the case of a certain resolution, which was stronger than that of 1835, a resolution, which might be justly considered as the *fons et origo* of the other—he alluded to the resolution which he had moved in 1834—would the hon. Baronet allow him to ask whether, if he had not found a seconder in the hon. Member for London, that hon. Baronet would not have seconded it, so great was his zeal at that period for seconding Church resolutions? The hon. Baronet not only voted for the resolution of 1834, but he had very high authority for stating, that the hon. Baronet would have readily seconded it. The hon. Baronet had defended that vote in one of the most perfect, elegantly written, and convincing letters which he (Mr. Ward) had ever had the good fortune to read, addressed to one of his constituents, who had expressed himself displeased with the vote in question. [Sir *E. Wilmot*: Read the resolution.] He happened fortunately to be prepared with the means of doing what was required by the hon. Baronet, having a copy of the resolution in his pocket, and would trouble the House with it, but he must say, that he should not have done so but for the request of the hon. Baronet. It was in the following terms:—

> "That the Protestant episcopal Establishment in Ireland exceeds the spiritual wants of the Protestant population; and that it being the right of the State to regulate the distribution of Church property in such manner as Parliament may determine, it is the opinion of this House, that the temporal possessions of the Church of Ireland, as now established by law, ought to be reduced."

It was this proposition for which the vote of the hon. Baronet, the Member for North Warwickshire, was recorded, and it was this proposition which he had defended in a letter which he addressed to one of his constituents, which letter he happened now to hold in his hands. He could not but say, that he considered it exceedingly fortunate, that he could rescue from oblivion such distinguishing proofs of talent as those given in the letter of the hon. Baronet; and he felt it to be a part of his public duty to call the attention of the House to the passages to which he referred. The paper in which it had appeared was a Tory paper, or rather a Conservative paper, for a strong distinction had been drawn between the two terms last night, and it taxed him with having deceived the expectations of his constituents in the vote which he had given. The hon. Baronet, in answer, wrote thus:—

"Dear Sir,—I have this moment received yours, and in answer beg to say, that I did vote in favour of Mr. Ward's motion; but so far from agreeing with you, that the motion was for the spoliation of the Irish Church, I most conscientiously think, that, as the Commission of Inquiry had been issued, and as a promise had been given by the Ministry, that the surplus (if any) of the Irish revenues should be employed in 'the moral and religious education of the Irish,' such application has given tenfold security to the Church itself."

The hon. Baronet, in a subsequent part of his letter, went on to say—

"Had I thought that the anomalous state of the Irish Church, so connected with the unsettled state of Ireland, did not make revision unavoidable, and had I thought such revision would tend one atom to weaken the Establishment in Ireland, I never would have voted in favour of such a motion. But believing that I strengthen a building, when too big for its foundations, by removing the useless incumbrances which overhang the sound and useful part of it, and that by replacing decayed timbers with sound ones I render the whole permanently secure, I confess I am surprised, that you should say, that I voted for the spoliation of the Irish Church, or acted contrary to the opinions previously expressed. I will go as far as any man living, and perhaps further than many who profess most to secure and support the Established Church, and will be always at my post to defend her rights, privileges, and just demands; but I am not blind to her abuses, and will assist in wiping off with a steady hand the rust which has defiled her altars and dimmed her lustre, and which, if permitted to corode deeper into her sanctuary, will not only deform her external beauty, but will destroy her inward utility and strength."

He believed, that the hon. Baronet had not exercised a very steady hand in securing the object which he professed to have in view. He would read some of the comments of the paper in reference to this letter, and then he would leave the matter in the hands of the House. It was said—

"If such were his (Sir E. Wilmot's) opinions, however we may differ with him and condemn and regret the fact, he did right in voting with Mr. Ward; if such were not the opinions by which he was actuated, however 'double-faced' he might conceive the conduct of Government to be, he could not be justified in supporting a motion subversive of the rights of Church property."

Now what was the history of these resolutions? because, in coming to a fair consideration of the question, they must go beyond 1835, and he must say, that these resolutions grew out of a deep and universal conviction, that no measure of conciliation or of coercion could have the effect of tranquillizing Ireland unless the Legislature should strike at the root of the evil, and should adopt some plan by which the anomaly should be put an end to, by which one seventh of the population of Ireland were compelled to pay for the support of the Church miscalled "national," to whose doctrines they did not subscribe. To the universal feeling of disgust at the continuance of such a system, he (Mr. Ward) gave utterance, humble as he was, and having nothing but the force of truth and facts to bear him out; but from the moment when the principle was launched forth in the House, such was the power of truth, and such the effect of the allegation of facts which could not be denied, that the principle had since been a great battle-ground on which all general questions had been fought. It was the ground on which the Government of the noble Lord who had preceded the right hon. Baronet had been dissolved, and it was that on which the Government of the right hon. Baronet himself was formed, and on that, too, had he rested the fate of his Administration; and yet the hon. Member for Wiltshire came forward and said, that the resolutions by which this principle was adopted and established were become obsolete, and the House was called on to rescind them. But why should the House take such a step? On what plea? The hon. Baronet had given no reasons for it—he had shown no grounds on which the Parliament of 1835 must be supposed to have taken an erroneous view of the subject, nor had he exhibited any statement from which it could be inferred, that the Protestant Church in Ireland possessed the attributes of a national Establishment, or possessed the means of performing any of the duties which would be required of it. The hon. Baronet said nothing on that part of the question, and assuming, that the resolutions of 1835 were an emanation from the party spirit which he alleged prevailed at that time, he called on the House to pave the way to some improved plan of government of the Church by rescinding those resolutions, saying at the same time that his reasons for moving in the matter were an affection for Ireland, and a desire always to remedy proved abuses. He would say in reference to this last expression that the hon. Baronet was an apt scholar in the school of the right. hon. Baronet who sat near him. The right hon. Baronet had conferred an inestimable benefit on the country in providing the people with such a text-word as "practical grievances," which had been already adopted throughout the whole empire; but if this subject did not present a "practical grievance," he begged that the hon. Baronet would explain to him any case which did. He did not desire, however, to go back to recapitulate all the facts of the case, or all the arguments which might be brought forward on the subject of this question, nor would he again go into the details referred to by the hon. Baronet, who spoke last night on that side of the House, of the thousands and tens of thousands of Catholics compelled to kneel at the mud hovels, which were consecrated at their churches, while splendid buildings were raised at their expense for the dominant sect. But if the hon. Baronet was justified in calling on the House to rescind the resolutions of the former Parliament, by which he must admit they must be bound until the House should set them aside, or confirm them by its vote to-night, he was bound to show cause, to exhibit some reason, and to prove, that the whole Church and system of religion of the country required it. He was aware that if he dwelt too long on the question of population, and of finance, he should be told in the words of the hon. Member who had just now borrowed again from Dr. Chalmers, and another great text-giver, that he was an apostate to that coarse and sordid utilitarianism which was so strongly objected to, and that he was raising a question of piety on a money consideration. He must say, however, that it was a money consideration on all sides, and they were forced to take lessons from the clergy on this subject. Had not the House heard of the petition which had been presented from the clergy of Armagh, by which the rate of tranquillity was estimated at the rate of payment they received. He would tell the House that there was just as much sordidness on the part of the clergy who had signed that petition as could be imputed to any other party. [*Cries of "oh, oh!"*] He had never, he believed, interrupted any debate by any such cries as those which were raised now against him, and he sincerely trusted, therefore, that the House would suffer him to continue, and would not interrupt him by that murmuring, which he was unaware that he had ever employed towards any hon. Member. He was induced to say what he had done only in consequence of what had fallen from some hon. Gentlemen, and who rose and accused them of being guilty in every step which they took of coarse and sordid feelings. He disliked the argument, and he did not resort to it himself except on this occasion. The question was one purely of money; and it was a point for consideration whether the clergy should continue to be paid out of funds provided by the public; and whether, as they were for public purposes, they should not be placed at the disposal of the Legislature? Why was the tithe paid to them, unless it was for the purpose of religious instruction? And must not the character of that instruction vary according to the time, and must it not be varied according to the people of the country? He knew no other test or basis on which the system could be founded. The hon. Baronet, the Member for North Devon, had told the House, that the Catholic Church was the oldest in point of standing. He was glad that even he admitted the antiquity of the Catholic Church; but he was prepared to contend that the property was no more the property of the Church than this House was the property of the hon. Members who sat in it. It was property for the Legislature to administer; and it was for the Legislature to administer it properly, according to the wants of the people. In Ireland alone the Legislature had trampled on the feelings of the people, and their conduct had produced the greatest anarchy and confusion; and until the principle was pursued which was laid down, no alteration could be expected. It was said then, that the Catholic Church should be admitted to be the Established Church in Ireland, and he admitted it; and although he did not wish to see that principle carried out, yet, according to the principle in which the House had legislated for itself, the Church should be put in possession of the property of the

Church, and if this could not be done, the Legislature should do that which was next best—they should admit, that they could not. Then, if they could not give spiritual instruction, let them do that which was next best—let them give general instruction—let them combat ignorance; and if he wanted any confirmation of this principle, he might call on the House to remember that line "that ignorance is the curse of heaven, knowledge the wing wherewith we fly." If they really desired to secure peace, they must work out the principle, and they must support it as manfully as possible, or they would never have the tranquillity which they sought. He had a high authority for this, although some hon. Members might suppose that it was not the business of a civil government to support any particular species of Church Establishment, but to protect life, liberty, and property. He held in his hand an extract from the writings of Bishop Watson, who said—

> "The protection of life, liberty, and property (the object of all civil government), is not inseparably or exclusively connected with any particular form of Church government. The blessings of civil society depend upon the proper execution of good laws, and upon the good morals of the people; but no one will attempt to prove, that the laws and morals of the people may not be as good in Germany, Switzerland, or Scotland, under a presbyterian, as in England or France, under an episcopal, form of Church government."

Again, after laying down in the broadest terms the principle, that population was the only sound basis of an Establishment, the precise character of which the majority must determine, he said—

> "Suppose, however, a majority of dissenters in the House of Commons. What then? Why then the House of Commons may propose to the House of Lords a bill for changing the constitution of the Church of England into the constitution of the Church of Scotland. Be it so. What then? Suppose the King and the House of Lords to agree to such a change. What then? Why then the present form of the Church of England would be changed into another form! And this is the catastrophe of so many tragical forebodings? The change would hardly be to be regretted, if brought about by a simultaneous change in the sentiments of the nation at large."

Now, unless the House should follow out such a principle as this they could not have nationality in the Church Establishment. They might call the Church of Ireland what they pleased, but it was useless to give it the name of national, for there was something hollow in such a term; and whatever it might possess of endearment to the people, it lost that character when it sustained its position only by force of an Act of Parliament, and not from the feelings and wishes of the people at large. It then came to the worst of all denominations—that of political and religious fraud. It was what a Gentleman, who he believed belonged to the Opposition party, called a "political lie." He alluded to a passage in a remarkable work on the French Revolution recently published by Mr. Carlyle. Talking of the hollowness of the French Government, he said, that it did not perform the duties which it should perform as a government, and he said, that the institution was, in fact, a political lie, and that all must end in anarchy and confusion and ruin, and he went on—

> "For nature is true, and not a lie. No lie you can speak, or act, but it will come at last to nature's bank for payment. Pity only often that it has had so long a circulation. Lies, and the burden of evil they bring, are passed on, shifted from back to back, and from rank to rank, and so land ultimately on the lowest rank, who with spade and mattock, with sore heart, and empty wallet, daily come in contact with reality, and can pass the lie no further."

Apply this to Ireland—your lie the national church—passed on by the landowners to the tenants, and from them to the humblest cottier, who could pass the lie no further, and, because he knew the Church was not his national Church, risked life itself in resisting its claims. Concession, or penal laws, their choice! He would not perpetuate this state of things. Others might decry the Irish, and think to justify their own apostacy by exciting the prejudices of the people against a country that formed the brightest jewel in the crown of England. He would not share their guilt or their madness. He set against the principle of fanaticism that of equal rights and equal justice, and he called on the House, abjuring those grovelling prejudices which some sought to cloak under the garb of religion, to proclaim to the world its determination to double the power of Great Britain, by making her a happy and an united empire. Let them work out this principle in Ireland; but first let them see how the hollow national Church system had worked, and they would see how it had passed from rank to rank, until at last it had landed on the lowest possible position in which it could stand, and until the peasantry, seeing the manner in which they were taxed, had risked their lives and their liberty and their property in opposing it. He had had no difficulty in coming to a conclusion on the subject of those resolutions—he had no choice at all; but he must now go on in the course of concession, or he must conclude that the Government would have recourse at once to the penal laws; he did not say, that this would be a course of proceeding which could be approved by those who were friendly to the Irish people but he saw that it would be a necessary consequence of the continuance to act on the principles which were now adopted. Now, he for one was not prepared to take a part in the proceedings of those who endeavoured to produce a strong feeling on this subject through the country, nor were his feelings to be excited by the course adopted by two hon. Baronets who had gone about the country exciting and pandering to the evil feelings of the people, and endeavouring to produce an agitation in their minds on this subject. He would neither share their madness nor their guilt; but he might raise against them the principles of equal rights and equal justice; and he did not then care for the fanaticism by which they had excited the country, and more especially one portion of it which should have been ashamed to have been so acted upon. The hon. Baronets seemed to have arrayed their arguments against the principle which he was contending for; and one of them, as if to justify his own apostacy, seemed to have held the most extravagant extremes. In conclusion, he called upon the House to give a direct negative to the proposition of the hon. Baronet, the Member for North Devon; and he called upon those Members who sat on the other side of the House not to insist upon this motion, because if they did he should have no hesitation in saying, that they at once identified themselves with the hon. Baronets to whom he had already referred. The motion and the arguments used by the hon. Baronet were identified in principle, and he contended that if hon. Members adopted that principle, they would inflict a stain of disgrace on themselves. He called on the House, therefore, to express its sentiments in reference to this principle by refusing its sanction to the motion of the hon. Baronet, which must now be considered emblematical of all evil intentions to Ireland. He did not rest his claim to the attention of the House on the speech of the hon. Baronet himself, but on the cheers with which his own declaration was received, and he called on the House to double the power and importance of Great Britain by announcing from this time forth that they should be looked upon by all as an united and happy land.

Lord *Teignmouth* was understood to say, that so far from considering the appropriation clause as dormant, it seemed to be the burthen of all the speeches which were made on the other side. The principle seemed, as it were, at the heart's core of hon. Members. The noble Lord had shown, that he had the principle of that clause at heart, and it had been avowed in a most candid and manly manner by the last Speaker, who stated, that not only would he have the appropriation clause, but that he would go the length of transferring the whole revenues of the Irish Church to the majority, and that was to the Roman Catholics of Ireland. The conclusion, then, to which he must come was this—that the appropriation clause was the vivified principle for which hon. Gentlemen opposite were contending. The best way to discuss any subject, was to come at once to the point; and certainly the hon. Member who last addressed the House, had not been deficient in manliness and candour in coming to the point in which he was anxious that the House should concur. He had openly avowed his wish, that there should be a Catholic Church establishment in that country; he had represented that, in the opinion of the people, the Protestant Church was considered as a curse. He, on the part of the Protestants, must beg to deny, and in that opinion he was sure that no small minority of the Roman Catholics would concur. [Mr. *O'Connell:* No, not one.] If the hon. Member (Mr. Ward) had seen as much of Ireland as he had, he would admit, that the Protestants, and no small portion of the Roman Catholics, would not join with him in his opinion as to the Protestant Church Establishment in that country. If he wished to put the question to the gentry in Ireland, they (he meant the Protestant gentry, as having the great mass of the property in their hands) would say, that they regarded the

Protestant Church Establishment as the greatest blessing to the country. If the hon. Member put it as a question of universal suffrage, it was certainly possible that he might get a different result, though the numbers against the Protestant Establishment would be by no means so large as he seemed to think. He would support the amendment of the hon. Baronet, the Member for North Devon, because he had heard many cogent reasons in its favour, but he had heard no good argument against it. He might be considered, as in fact he was, a novice in matters, relating to the business of the House but he owned he had listened with much disappointment to the speech of the noble Lord opposite (Lord J. Russell), and it fell far short of what he conceived was necessary to support such a proposition as the noble Lord had laid before the House. In the whole of the address of the noble Lord, there seemed to be something to depress his spirit and unnerve his arm, and he seemed to think that the measure which he was urging would not have the effect of pacifying Ireland. In one part the noble Lord appeared as if he wished to terrify the House into his measure—while on the one side he pointed to the tranquillity which would result from his plan, on the other he told them of the

"——— Bella, horrida bella,
"Et Tybrim multo spumantem sanguine cerno.
"Non Simoïs tibi, nec Xanthus, nec Dorica
"castra
"Defuerint."

The hon. Baronet, the Member for East Cornwall, had truly said that this appropriation clause was a mill-stone which would hang about the necks of the Government, and he had talked of hon. Members on that (the Opposition) side of the House killing Cock Robin; but though Cock Robin had been killed, it appeared that he was again alive and chirping. If this clause was only a miserable Cock Robin, why did they not throw it aside, when they must know it was an insuperable bar to the settlement of the question by those who valued the integrity of the Church Establishment in Ireland? He would not deny that this amendment implied a distrust of, and a want of confidence in, the present Government; he admitted it did both, and that was one of the main grounds on which he gave it his support. He confessed that, with every respect for the personal character, the talent, and ability of several Members of her Majesty's Government, he had no trust in them as a Government, and for this reason, that their minds seemed to be wholly unsettled and their determination unfixed on a subject which agitated the country, and the settlement of which would tend to pacify the minds of men in both countries. That subject related to the Church Establishment. Whether they looked to Scotland, or England, or Ireland, they saw the same vacillation and weakness; and if they looked at the other side of the question, they saw nothing to lessen that vacillation. Seeing this, he would support the amendment, because he looked upon its success as a heavy blow to the present Administration.

Mr. *Bellew* said, I am rejoiced at the Amendment moved by the hon. Member for North Devonshire, because it states, in clear terms, the object of the party with which he acts, and places before the public, with a distinctness that admits of no mistake, the line of uncompromising policy which it would be their intention to follow in the government of Ireland, should events again place the right hon. Member for Tamworth at the head of affairs. For does any one doubt, that the views of the Government with regard to the Church question must mainly influence their conduct in all the details of administration in Ireland? It is the cardinal point on which all their policy turns, and therefore it is that the measure at present brought forward by the noble Lord, defective as it may be in some respects, and falling far short of what the Irish people might reasonably expect, would yet, I am convinced, meet with their cordial support, not only for the benefits it would confer, but still more for the valuable assurance it would convey of the intention of the Government to defer to the opinion and conciliate the good-will of the great body of the people of that country. And herein appears to me the great difference between Gentlemen opposite and her Majesty's Government. The Tories say, the Catholics would abuse the powers that would be conferred on them by the Corporation Bill, that they would not rest satisfied with the arrangement of Church property that would take place under the present bill, in the same way as they predicted all sorts of calamities from the new franchises created by the Reform Bill. They have no idea of placing trust in the power of the social virtues, and relying with generous confidence on the predominance of the sympathies which arise from common interests over the difference of creeds. They rest upon a cold-hearted scepticism in every power but that of bigotry, and are sullenly incredulous in every hope which arises from the increased enlightenment and the improved condition of the people. When, therefore, the hon. Mover of the amendment says not one penny of surplus Church property shall be devoted to national objects, the people of Ireland rightly conceive that declaration as extending much further, and including within its range another species of property more directly under the control of Government; and while the hon. Baronet is apparently only looking to the security of a bishop in his see, or a rector in his living, they perceive that he is really preserving the exclusive character of the judge and the magistrate, and of every other functionary connected with the executive department of the State. So dovetailed with the whole system of Tory misrule is the Church Establishment in Ireland, that you cannot insist on preserving that Establishment in all its integrity without bringing home to the mind of every man that you mean to reform nothing. I therefore lay little weight on the fact of the surplus being great or small; it is enough for me that the principle is asserted of rendering it available to the national service, without reference to sect or party. But what is the situation in which Members opposite are placed? No matter how large the amount of surplus, whether it be one hundred or one million, it must still go to the Church, exhausting every imaginary want, and then creating new; and remember that, acting under the fiction of being a national as well as an Established Church, which two terms are often conveniently mixed up together, you will be bound to provide churches for the 800 parishes with less than fifty Protestants, as well as for the 151 where there is not, at the present moment, a single true believer. If we suppose all this done, and the new churches not only built, but filled—which I admit is stretching our vision very far—the work is not complete. It will then be time to comply with the prayer of some of the petitions presented to the House this Session, and to re-establish the ten bishops who were, without much resistance from any quarter, so unceremoniously disposed of by the noble Lord, the Member for North Lancashire. Now, Sir, I ask the House if they are ready by their vote this night to carry into effect these objects, which, to be consistent, they must be? In considering this question with regard to the number of Catholics and Protestants, it is quite curious to see how Tory arguments vary upon this subject; when municipal privileges are in question, we hear of nothing but the number and the power of the Catholics; but when the scene is shifted to the Church, they immediately disappear, and are reduced to their situation in the time of Lord Clare, who stated, that the law did not contemplate their existence. But there is one point with regard to the subject of numbers to which I beg leave more particularly to call the attention of the House. It is not only the relative numbers of the Church of England we are to consider, but also their locality, and this view of the case was taken by the right hon. Member for Tamworth in his speech on bringing forward the Emancipation Bill. He stated, that it might be supposed the Government could be carried on through the agency of the million and a half of Protestants. But, then, said the right hon. Baronet, three-fourths of that number reside in Ulster, and how are we to carry on the government in the other three provinces? And the same difficulty with regard to the allocation of funds appears to me to exist in the present case. However matters might be managed in Ulster, how, with any show of decency, could you go on squandering thousand after thousand in the other provinces? It appears that four counties in Ulster, namely, Down, Derry, Antrim, and Armagh, contain more than half the Protestants of Ireland; add the Protestants of Dublin, and you have two-thirds of the whole number. In Connaught you have twenty-nine Catholics to one Protestant; except Dublin, and you have the same proportions in Leinster; except the immediate neighbourhood of Cork, and you have the same proportion in Munster; add to this, that in the Protestant province of Ulster the Protestants of the Church of England are not the most numerous Protestant sect; and that there is not, I believe, more than a single diocese in the whole of Ireland in which the Protestants of the Church Establishment are in a majority. It appears, from authentic returns, that in 1766 the Protestants comprised one-third of the whole population of Ireland; in 1822, one-seventh; in 1834, one-tenth; so that just in proportion as the Protestants decrease, their churches are to become more numerous, as if the meaning of the word church was literally confined to stone and mortar, and that the flock was a mere appendage, which might or might not exist, without affecting its character as a congregation of Christian believers. It is said, that additional funds are required for church extension in Scotland, and for giving efficiency to the moral and religious instruction of the people of that country. Why, I ask, then, if this principle of addition is good for Scotland, why is not that of subtraction equally applicable to Ireland? If there are, as it is stated, districts of twenty and thirty miles in extent requiring religious instruction in Scotland, I answer, that there are districts of equal size in Ireland which stand in need of no such assistance. If I am told, that in the Highlands there are large congregations without a pastor, I answer, that there are in Ireland pastors without congregations. If I am told that, for the maintenance of peace and good order, it is necessary that the number of the clergy should be increased in Scotland, I answer that, to produce the very same results, it is desirable that in Ireland they should be diminished. Can it, then, I ask, be contemplated, with such facts staring us in the face, not only not to diminish the present revenues of the Church, but to provide that in no possible contingency shall the Protestant Church be made the means of increasing the education or relieving the wants of the Irish people? Is it the popularity for the last fifty years of Church Establishments through Europe that urges the hon. Member to his present course; or has he forgotten the examples of Catholic Italy and Protestant Germany, of France and Tuscany, and Switzerland and Holland, in none of which countries do tithes exist, and where the very idea of an establishment that does not equally benefit every portion of the nation is unknown? In these countries an appropriation clause has long since been carried into effect, and the consequence is, that religious strife and clerical rapacity are no longer heard of. Or is it the course of events with regard to this question in Ireland that makes the hon. Member consider this a favourable opportunity to call upon the House to retrace its steps? In 1832 the opposition to the payment of tithes raged in full force in Ireland, and meetings were held and resolutions adopted in every part of the country expressive of a determination never to cease from every legal resistance to that impost. In that same year the hon. and learned Member for Tipperary brought forward resolutions on the subject, and about thirty Members divided with him. Six years have elapsed, and I find the following declaration agreed to within the last three weeks at a meeting of twenty parishes in the county of Wexford.

> "Resolved—That we will never cease our constitutional agitation until tithes are utterly extinguished in name and in reality. That latterly, and more especially at the present moment, our peace of mind is banished, and our industry interrupted; our goods are seized, and in many instances our persons incarcerated; that, in short, we are suffering the most terrible persecution that the hatred of bad men acting under the authority of intolerant laws can devise; and that it is our deliberate opinion, that if the country be not speedily relieved from this species of martyrdom, the Irish people will be driven to the extreme alternative of denying themselves the use of all taxed articles."

And this night resolutions the same in spirit, but less favourable to the interests of the Church, are brought forward, and will have voting for them, instead of thirty nearly ten times that number. What is the inevitable deductions from these facts. Why, that the spirit of resistance amongst the Irish people is as strong, and their power of enforcing their wishes stronger than at any former period; and it is in this state of things, with a system spreading misery and bloodshed through the land that we have Christian clergymen coming forward as petitioners to this House and adopting the sentiments of the noble Lord the Member for North Lancashire, and requesting of the Government to vindicate the law, no matter at what expense or at what loss of life the object may be accomplished; and these are the men who appeal to Scripture and talk of introducing the truths of Christianity amongst the benighted Irish. Sir, I shall not indulge in any personal reflections upon the Protestant clergy. It is agreed upon all hands that their situation is a most painful one. But this I will say, that I believe the great mass of the Irish Protestant clergy are used as instruments in the hands of a political party, who, while they talk of the security of the Church, look upon it as the stepping-stone to their own ascendancy in the State. How else can we account for the statements we see daily in the speeches and in the publications of the Tory party, that the Churches of England and Ireland are in every respect identical, and that you cannot reform the one without putting the other in peril? No principle can in my mind, be more fatal to the true interests of both. You may call it the united Church of England and Ireland; but it is only a union upon parchment. You cannot, do what you will, make it the Church of the Irish nation, closely identified with the people, as in this country, by old associations, historical recollections, by present interest—often, too, by feeling and affection; on the contrary, the Protestant Church in Ireland is alien from the soil. It was forced upon its people by external violence and the spirit of conquest, and arrogant dominion continue to pervade it until this hour. It has not merged in the body of the nation; it stands scowling defiance and exercising oppression towards the producers of its wealth and luxury. It is still an army of occupation in an enemy's country, jealous of the inhabitants, estranged from them, and, in its turn, the object of their dislike and suspicion. Why do the English and the Scotch Churches preserve in a large degree the affections of their respective countries? Because the foundations of both these establishments are broad and national, and therefore it is that their altars are secure without artillery, and the revenue of their ministers collected without bayonets. Would, I ask, such be the case if either in England or Scotland there existed a Catholic Church endowed with the same wealth, and embraced by the same relative number of the population as is the Protestant Church in Ireland? It well becomes the champions of tithes, the enemies of municipal liberties, and the foes to every popular and practical system of education, to talk of disturbance and outrage—they whose fatal ascendancy in Ireland has been the main cause of the misfortunes of that country, whose feelings they omit no occasion to outrage, whose political rights they are pledged to oppose, whose religious liberties they trampled on as long as they could, and for whose grievances alone they feel friendship and delight. It may be said that these objections apply to the very existence of the Protestant Church. I can assure the House that I do not urge them with any such intention, and that if the present bill passed into law I believe the Irish people would act with perfect good faith, and that while they object to paying for Protestant clergy where there are no flocks, they would cheerfully wave all abstract principle as to paying a Church to which they did not belong, provided that Church was only reduced within due limits, and that pay was rendered unobjectionable in its mode of collection. It will, I am aware, be urged that this is not fighting the battle on the great principle of civil and religious liberty, and that consequently we render indifferent many in this country who on those principles would be our firmest allies. But I look to the practical results, and I ask of such persons to consider the state to which society in Ireland is reduced. Owing mainly to this Church question being unsettled, civil intercourse is poisoned, family is divided against family, and the good and kindly feeling which ought and naturally would exist between neighbours, who had lived from their childhood in one another's vicinity is destroyed. A silent war, frittering away the energies, and hopes, and enjoyments, of the people, is at this moment carrying on in many parts of Ireland—a war of citation and distresses and petty annoyances; confidence between landlord and tenant is at an end. The Protestant gentleman, with his son, or his brother, or his nephew, in the possession of a good living, not only looks with distaste, but with a very natural feeling of ill-will and hostility, on his Catholic tenant, who is, as he thinks, depriving him, or at least endeavouring to deprive him, of his property. The landlord, in his turn, is not slow in taking his revenge, as appears from the avowed declarations of many Protestant proprietors, including some near connexions of one of the learned Members for the University of Dublin, and which was so feelingly alluded to by Lord Mulgrave, as an almost insuperable obstacle to preserving the peace in Ireland. It is, I believe, in evidence before Committees of this House, that landlords have dismissed their Catholic tenants as such, and put Protestants in their places. One district of 350 acres is mentioned, where twenty Catholic tenants have been replaced by eighteen Protestants. To proceed from acts to language, I find a noble Lord, the Member for Bath, at some meeting he attended in Dublin, stating as follows:—"That it is a proud day for Dublin, a proud day for Ireland, that such a meeting should take place in opposition to those whose meat is anarchy, whose drink is rebellion, and whose creed is superstition." I give these instances as a sample of the feelings and acts that are generated by the present anomalous condition of a large portion of the proprietary of Ireland, whom this Church question prevents having any community of feeling with the population about them. We are told the law must be obeyed, and we hear of harsh language and harsh measures enough being applied to the Catholic tenant who breaks the law. But I answer that the law itself is an abomination, and that, amidst the many evils that beset Ireland, it is the master grievance, in which all others are swallowed up; for this plain reason, that as long as the Church Establishment exists on its present scale, it gives to its professors not only a legal but a substantial superiority over the rest of the country; but, above all, because it maintains, and it alone upholds, an ascendancy which extends to the very lowest class of the community, and, in the words of Burke, gives to the Protestant cottier, debased by his poverty but exalted by his share of the ruling Church, a feeling of pride and pre-eminence over his Catholic fellow-labourer. This is the feeling to which the present bill would in a great measure put an end, and to which, until there is an end put, there never will be peace in Ireland.

Mr. *Shaw* said, that from the speech of the hon. Gentleman who had just sat down, and the hon. Member who had preceded him a short time before on the same side (Mr. Ward), it would appear that, in their opinion, no measure would be satisfactory for settling the tithe question in Ireland without possessing the appropriation clause. There was one thing in which both sides would most cordially agree—namely, in an inclination to bring that long-agitated and vexatious subject, to a final and satisfactory adjustment if possible. The only subject of difference between both sides of the House was the manner in which that final adjustment could be best accomplished. That it was a desirable object every one admitted; but to attain this object such separate and distinct modes of proceeding were recommended that it was not easy to agree upon a course which had any likelihood of receiving the support of both sides of the House. The noble Lord who had brought forward the subject last night, had thought it necessary, on a former occasion, to embody in certain barren resolutions, an abstract principle, which, however ineffectual it might appear, was highly offensive to hon. Members at that side of the House. He was not of opinion that this was the very best period to enter into the matter of those resolutions, and he certainly should not at present discuss that subject, if the noble Lord and some of his supporters had not rendered it necessary by their observations last night, and during the debate on that evening. It was the opinion of those on his side of the House that the proper course to adopt was, by rescinding the resolutions as moved last night, to go into a full discussion of the question free and unshackled by any resolutions affirmative of appropriation, or of anything which might be so construed which certainly would be a more fitting frame of mind for the Legislature than if they went into a discussion of its merits, with a pledge of their opinions already recorded before the House. The noble Lord, when moving his resolutions last night, said, or at least he understood the noble Lord to imply by his speech, that no measure for the adjustment of tithes in Ireland would be final and satisfactory unless it contained some enactment at least similar in its nature to the appropriation clause. The noble Lord didnot go so far as to say, that those resolutions would tend to a final and satisfactory adjustment. Why then should hon. Members at the Opposition side of the House support the proposition of the noble Lord, if, even on his own showing, it would not be satisfactory? Where was the inducement to the friends of the Church to acquiesce in the arrangement if it would not be final, and that they might be called on next year for another change? They lost all inducement to support it. The friends of the Church were offered no motive for agreeing to the noble Lord's resolutions. He (Mr. Shaw) would not contend that the noble Lord should undertake that the bill would be final and satisfactory. Perhaps that might be too much to ask. But he would ask this—that the noble Lord, as representative of her Majesty's Ministry, should not come down to that House and ask a pledge to be recorded upon the journals of that House pledging themselves before hand that the clergy and the people would not be satisfied with the projected settlement. Yet this would be no more nor less than the effect of continuing the resolutions. The noble Lord must be perfectly aware, that there was a great and powerful minority at that side of the House, and he must be also aware that the great bond of union between them was the inviolability of Church property. Under those circumstances must the noble Lord not know, without a moment's consideration, that they never would give their consent to support any measure having for its basis or in its composition a clause of appropriation in name or in substance? As he had before remarked, this was not the most fitting time to enter into the resolutions, and but for some observations of the noble Lord last night he would not now recur to their merits; but from that circumstance he felt it necessary to allude to them. He was always an advocate for an equitable adjustment of Church property: he was an advocate for an abolition of pluralities, and a distribution of Church property more equally; but this distribution should be amongst its own members in order to be just. With respect to the changing of tithes into rent charge, and thus transferring the payment from the occupier of land, who in numerous cases would not object to pay tithes to the owner of the land, he was of opinion that it was a most wise arrangement, and calculated to effect a great deal of good. With respect to the change of tithe into rent-charge, he believed there could be scarcely a second opinion as to its propriety or its good effects. He had always been of opinion that it was a change calculated to produce much good, but he thought the reduction made of tithes in favour of the landlord was much too great. However, he would admit, it was a question of degree; for there certainly should be some reduction as payment for the additional trouble and responsibility which would be placed on the landlords. He should, perhaps, not say another word upon this subject, but here he could not allow to pass an observation of the noble Lord's, directed against the Irish Protestant clergy, and upon their part he felt bound to say the observation of the noble Lord was most uncalled for. In any country there was no other instance of a body of men bearing up against such continued privations and unmerited sufferings with an equal degree of forbearance. There would be a difficulty in finding any body of men more deserving of their warmest sympathy for patience under suffering, and for every virtue, than the Irish clergy, who were viewed, it would appear, by the noble Lord in such a light that, act as they might, they could not please him. Unmoved when the war of opposition had been brought to their domestic hearths—when their families were in many cases starving—when poverty was assailing them in every shape—and it was thought by the noble Lord that even those sufferings, superinduced by no misconduct of theirs, did not entitle them to the poor privilege of complaint; for when they had in the enjoyment of that melancholy privilege of suffering, appealed to the Government, the noble Lord's sympathy was conveyed in a joke. He thought they were so used to grieve, they had found—

> "——— Such a charm in melancholy,
> They would not if they could be gay."

Now, when, under more prosperous circumstances, they made a reasonable offer of concession, the noble Lord met them with the sneer that they were only offering what the law exacted of them. This was a complete mistake of the noble Lord, and he (Mr. Shaw) asserted, without fear of contradiction, that a more patient, forbearing, and exemplary set of men, though tried by the severest test of suffering and persecution, never existed than the Protestant clergy of Ireland. With respect to the third resolution, perhaps the noble Lord was of opinion, that it was only putting in force what the law had already ordained. This was a great mistake of the noble Lord's, and one which could not be too soon corrected. He held in his hand a table of the Church revenues of Ireland; its amount was 498,148*l.* This was not all the revenue of parochial clergy; the parochial clergy received 486,784*l.*, and the residue was made up by what was paid to the bishops, &c. All this he would beg to remind hon. Gentlemen was not the amount of tithes, for, at present, there was no tithe in Ireland, it was the amount of the composition entered into in lieu of tithe throughout the country generally. By that sum, there was payable by the landlords 257,083*l.*, and in addition to this, they had undertaken the payment of a large portion of the residue during the last three years', that is undertaken to pay it upon the part of the tenantry as it had been permitted by the Act of 3 and 4 William 4th, cap. 100, which permitted the head landlord to undertake the payment for one year and the minor landlords for six months, as well as he (Mr. Shaw) recollected. For this they had been allowed a per centage by the clergy, and so general had this become, that there now remained but 240,000*l.* which were not undertaken, so that the question was very fast settling itself. He had always been most desirous of a settlement between the landlords and the clergy, and of this he was sure, that it would be far more easy to bring the landlords and the clergy to an understanding than the clergy and the occupiers. When the landlords had undertaken to ensure the tithes, the clergy had, in all cases, willingly allowed them fifteen per cent for their trouble. At least they had, unless in some cases where the landlords had undertaken for the good tenants, but not for those more likely to be recusants. In those cases, the clergy said, "You leave us the worst tenants and undertake for those with whom there would be no trouble." This was a case where the clergy might feel themselves not called on to contribute; but he pledged himself that, in nearly all the other cases they had allowed the amount he had stated. He was of opinion that the reduction proposed was entirely too great for the advantage conferred, and he was most anxious not to allow so large a reduction. However, it had this advantage, that between them the question was only one of amount. With respect to the resolution which proposed the investment of the purchase money, he should say, that in purchasing tithe property they would not be able to realise fifty-six per cent. upon what the clergyman receives, and, therefore, he would ask, why lose so much in an unnecessary proceeding? There would be great risk also during the period of transition, and when once you had relieved the Roman Catholic occupier, he would much prefer that the charge should be spread through the entire locality, co-extensive with the duties and responsibility of the clergyman. That, he thought, was of the essence of an Established Church, and that to act upon an opposite principle tended to unestablish the Church. The rent-charge would be payable by the Protestant proprietors to the Protestant clergy, and if times became troubled, or confiscation was the object of those who governed the State, the rent-charges in the hands of the Protestant proprietory would be much more difficult to reach than the Consolidated Fund on the one hand, or church lands on the other. There was also the argument against so much land being tied up in mortmain—the secular occupation it would entail on the clergy, and the certainty that it could not be as well managed by persons having only a life estate as by an ordinary proprietor. Or, if agitation was the object, that could succeed more easily amongst the tenants of church lands than the Protestant owners of the first estate of inheritance. As regarded the payments from the Consolidated Fund, he entirely objected to that plan, inasmuch as it would reduce the clergy to stipendiaries on the State, until a new and distant investment of their property should be made, and subject them, as the Armagh petition truly stated, notwithstanding the noble Lord's dissent, to a yearly investigation under the specious pretext of public saving. They then came to the sixth resolution, which seemed to him either a mere juggle or something worse; for if, according to the professed purpose of the Government, a *bonâ fide* purchase of the rent-charges by the State was the object, why not pay with the Consolidated Fund on the one hand, and receive the whole produce of the rent-charges into the Consolidated Fund on the other? But no! here lurked at least the form, if not the substance, of the appropriation clause, and as such the hon. and learned Gentleman the Member for Dublin represented it, whether he himself considered it did contain the appropriation clause, or, wishing to give the go-by to that principle, desired that others should suppose that was his opinion. Taking the sixth resolution, then, in connexion with the tenth, which placed the lay tithe on an entirely different footing, it was impossible not to suspect that a prospect was held out of some ulterior application of this fund, when it had divested out of the Protestant clergy. With reference to the sixth resolution, the noble Lord had fallen into a strange fallacy, for he argued thus—that he would commute composition into rent-charge, to save the payment by the Roman Catholic occupier, in which he concurred; but then, that object being accomplished, the noble Lord reasoned as if the former state of things continued, and assigned as the reason for applying the fund to local purposes, and especially to education, that it would be most in accordance with the sentiments of the payers, whereas the very reverse would be the case. Another noble Lord's logic was truly Irish, "for," said the noble Lord, "I take the payment of the Church off the Roman Catholic occupier, because it is distasteful to him, and having put it on the Protestant proprietor on that account, I substitute a payment the most disagreeable possible to him, that is, one for the support of the present system of national education in Ireland, to which the great majority of the Irish gentry were opposed." But the noble Lord charged him, and his side of the House with having deceived him in respect of the settlement of the great Irish questions, and taken advantage of his conciliatory disposition. That he (Mr. Shaw) most positively denied. First, with regard to the Poor-law Bill, he challenged the noble Lord not to refuse that justice to the Irish members on his (Mr. Shaw's) side of the House, to bear testimony to their having discussed it in the entire absence of party spirit. For himself, he had a right to claim this credit, that so far from gaining any popularity, or promoting any personal or party object, by the course he had taken, he had, on the contrary, given considerable offence to his own friends in Ireland; and, by assisting the noble Lord to improve the bill, had incurred the disapprobation of the great majority of his constituents, and those with whom he generally acted in Ireland. Then, as to the Irish Municipal Bill, the noble Lord had taken praise to himself, to which he had no title. The noble Lord's abstinence on that bill was not at the seeking of his side of the House. The first day of the Session, the 20th of November, the noble Lord gave notice that he would move to bring in the bill on the 5th of December, and in pursuance of that notice the noble Lord moved for leave on that day. He was the only person who spoke on his side of the House, and the question was, whether the noble Lord was justified in saying, that he was deceived in the expectation, that those on his (Mr. Shaw's) side of the House, had waved the question of appropriation, as an essential ingredient to the settlement of the Municipal Bill. He (Mr. Shaw,) said on that occasion—"I trust that the noble Lord is prepared to proceed *pari passu* with the other two Irish measures that are referred to in the same paragraph of her Majesty's speech. The noble Lord has, I know, laid upon the table a bill for the relief of the Irish poor, but of the Irish Tithe Bill the House has not as yet heard, nor has one word been said on the untoward subject of the appropriation clause. I however, for one, am prepared to say, that if the property of the Church of Ireland were placed on a secure basis, and a standard fixed for the franchise, independently of the oath of the voter, then I should desire to see those constantly recurring and irritating Irish discussions brought to an end, and the three great Irish questions which they involve, safely, satisfactorily, and finally adjusted." These sentiments he had given utterance to on the 5th of last December, and the very question now was, would the noble Lord, so far as he was concerned, allow one of these great questions—namely, the Irish tithe question, to be "satisfactorily and finally adjusted!" The noble Lord, by his resolution, said not. On the 2d of February, the noble Lord moved the second reading of the Municipal Bill, without any opposition from him, he stating that he deferred expressing his opinion to that stage of the measure upon which the discussion and the division had been usually taken, and the noble Lord, of his own accord, deferred the Committee to a day near the Easter recess. On Friday, the 23d of March, the noble Lord gave a formal and pompous notice, that he would on the Monday following, ask the right hon. Baronet, the Member for Tamworth, a question, as to the course he meant to pursue, with respect to the Irish Municipal Bill. That question he accordingly put, and the right hon. Baronet answered the question by asking another. The charge of the noble Lord was, that the appropriation clause was altogether kept out of sight, until within the last four nights. But on the noble Lord's question being put, his (Mr. Shaw's) right hon. Friend, the Member for Tamworth, replied, that it was unusual for the leader of the Government to ask a question of the leader of the Opposition, as to the course he meant to pursue, but he could give no answer to the noble Lord's question on Irish Municipal Corporations, until the noble Lord stated what he meant to do with the appropriation clause, in the measure to be introduced respecting Irish tithes. Was that keeping the noble Lord in the dark? Was that taking an advantage of him? Did that look like entrapping him? Could he support his charge after that? Had the noble Lord, in short, any ground whatever to stand on? But what did the noble Lord do then? He then commenced that system of mystification which had been acted on ever since. He gave notice for the introduction of the resolutions in question. They were printed—it was then the 28th of March—and from that day until the present, no man in the House, or out of the House, could tell what they meant, or what was their purport. The right hon. Baronet, the Member for Tamworth, added, that if the noble Lord did not give the House some explanation of his intentions, in respect to the appropriation clause in the measure on Irish tithes, he should move the postponement of the question. The noble Lord well knew the inconvenience to which the adoption of such a course would subject him. Easter was then near at hand, and he wisely and prudently put off the consideration of the question respecting corporations in Ireland to a future period. That was the fraud—that was the plain statement of the trap into which the noble Lord said he had been decoyed. The noble Lord had said, that in future, when his side of the House made professions, he would not believe them. The noble Lord would do as he thought best in that respect, and they, no doubt, would try to console themselves, as well as they could, with the consciousness of their innocence of any such charge. But when the noble Lord set about proclaiming to the country that, in making a fair and honourable proffer, the Duke of Wellington meant only to lay snares for him, all he (Mr. Shaw) could say on the subject was, that there was no man in England—no man in Europe—nay, no man in the whole civilized world, who would be found to believe him. An hon. Member opposite had charged his hon. Friend, the Member for North Devon, with having introduced this subject as a history of Cock Robin, and made it his hobby; but if strict justice had been done, he should have stated, that it was the noble Lord he supported who rode it as a hobby. And if any one killed Cock Robin it was certainly the noble Lord on the other side of the House, who, in the debate of last night, described himself as *infelix puer*. He it was that unhorsed the noble Lord, his colleague, and not his hon. Friend. When the noble Lord, the Secretary of State, declared that he still adhered to the resolution, the noble Lord, the Secretary for Ireland, announced that it was abandoned; and after all the resolutions, counter resolutions, and speeches avowing and disavowing the appropriation clause from the other side, the mystification at last was worse than at first. No human being could tell whether the Government meant to embody it in their resolutions or not. And the noble Lord, the Secretary for Ireland, consistently with the policy of the Government of which he was a Member, blew hot for one side while he blew cold for the other; for while he announced the abandonment of the appropriation clause in the Irish tithe resolutions, to conciliate that side of the House, and to neutralize the effect of that announcement upon his restless and troublesome, though necessary, supporters who sat on his right, the noble Lord denounced the Church in Ireland as a badge of conquest, as inflicted without reason or truth by the force of a strong arm only on a vanquished people. Such premises could indeed lead to no other conclusion than that its overthrow was desirable in the mind of the noble Lord; and was that language befitting the leading Member of the Irish Government in that House, in respect of a branch of the Established Church of the United Kingdom? Could it tend to promote the object the noble Lord professed of conciliating the friends of the Church in Ireland? or did it not rather prove, that the relation in which the noble Lord stood to that Church was, that he was "willing to wound but yet afraid to strike it?" The noble Lord said, the object of his hon. Friend (Sir T. Acland) and the present motion was the exposure and humiliation of the Government. He (Mr. Shaw) thought, if that only were the object, it would have been sufficiently accomplished by the acknowledgement of the noble Lord, that the Government was ready virtually to abandon the appropriation principle, although in direct violation of their own recorded sentiments. He disclaimed that object, his desire was to remove that which must operate practically as a bar to the satisfactory and final settlement of the tithe question. Let the Government, then, remove from the journals of the House an abstract resolution which had already served its purpose. Its continuance was not only useless by the admission of its movers, but in practical effect it must be mischievous. He (Mr. Shaw) would then enter upon the tithe resolutions, and give his best assistance to promote their speedy and permanent settlement upon fair and equitable terms; and in that case he would also consider himself bound to act in the same spirit with reference to the Irish municipal question, although not in any degree committed to the particular bill then before the House. [" *Hear, hear!*"] The hon. Member (Mr. O'Connell) cheered;but he was not in the habit of making statements merely to serve the present occasion, and therefore he wished to guard himself from the possibility of being supposed to be pledged to the particular measure of corporate reform brought forward by the Government, while in the case he had put, he would consider himself bound to act up to the spirit of the declaration made by the Duke of Wellington. If the Government, on the contrary, refused that fair and reasonable proposition, then they must bear the responsibility; and they could not expect, that, in deference to their wishes, the great and powerful party with which he had the honour to act would consent to compromise a principle which they always had, and he trusted ever would, hold sacred.

Mr. *O'Connell* spoke to the following effect:—I can safely promise the House that if they extend me their patience I will not trespass long upon their attention. I rise after the right hon. and learned Gentleman, but not by reason of anything he has said—*post hunc, sed non propter eum.* The right hon. and learned Gentleman is singularly liberal in his advances. He offers the noble Lord, that if the noble Lord will consent to do nothing, he will help him. These are the terms of the proffered holy alliance. These are the terms on which the noble Lord may ensure the assistance of the right hon. and learned Gentleman. As to the rest of the right hon. Gentleman's speech, it was divided into two unequal parts, both of which, however, had equally little to do with the subject before us. The first part referred to resolutions which are not under discussion at the present time; the second contained the history of what was said and done on one side of the House, and what was said and done on the other side of the House, on an occasion some time gone by having no bearing on the present discussion, and just as interesting to us as the history of Cock Robin, which has been much spoken of to-night, or, if the noble Member for Marylebone prefer the comparison, as the life and adventures of Tom Murphy. The noble Lord near me has asked the House to go into Committee, in order to consider the details of this subject. The right hon. Gentleman might just as well have favoured us with his speech in Committee, but as it is, I trust he will give us the benefit of the instalment. The question, however, before us is, whether we shall rescind the resolutions of 1835 or not; this is, I say, the only question before us apparently; but what is the real question? The real question is, and it is vain for shallow hypocrisy to deny it, the real question is how shall Ireland be governed. Yes, disguise it as you will, put it as you will, under cover of your love for Protestantism and your abhorrence of Popery, this is the question; this is the question which is now under discussion, and which has been under discussion for the last seven hundred years. [*Laughter, " Oh! Oh!"*] Yes, you may affect to laugh and sneer, I make no blunder about the matter. I know as well as you that Protestantism was not your war-cry seven hundred years ago, as it is now; but I say that for seven hundred years back the question has been how dominant England shall treat subject and oppressed Ireland. This is the only question, and this is the real question between you, the Tories, and the Whigs, at least as far as professions go, for most of you profess in other matters nearly the same principles as the Whigs: the only difference is in carrying these principles into effect. But the real great question ever is, how shall Ireland be governed—shall she be governed by a section [" *Hear, hear*]. Oh, I thank you for that cheer [" *Shouts.*"] Yes, shout as you will; I care not for the shouts of an insolent and despicable domination ["*Uproar which drowned the hon. and learned Gentleman's voice, till the Speaker succeeded in restoring partial order.*"] Oh, Sir, (continued the hon. and learned Gentleman) let them shout; 'tis a senseless yell [*"continued uproar,"*]—it speaks the base spirit of party. [*" Continued uproar which prevented the hon. and learned Member from being more than partially heard."*] You may sneer at me if you please. I speak the voice of seven millions. Why should not the son of Grattan say to you that which he has told you [*" Order."*] The English people are aware of your conduct—they know what you have done amongst them of late in order that you may command us hereafter. You have carried bribery further than it ever was carried before; you have gained your increase of strength by it. Never was there more extensive bribery than that which you have practised. Yes, you have practised it, and the highest amongst you have shrunk from investigation [*" Cheers, question."*] If the hon. Gentleman who cries question wishes to know what it is, I tell him it is as to the mode of governing Ireland—for it is impossible to think, that such a paltry attempt as that which is included in the motion of the hon. Baronet, the Member for North Devon can be the mode or the means of inducing us to wander from that which is the real question between us. Why, let me read to you what is the question; whether you will rescind this resolution is the nominal question; but in reality the question is, by what mode you mean to govern Ireland. Before I read the resolution let me remind you that not only the people of England, and the people of Scotland, and the people of Ireland, but the inhabitants of Europe are attending to the debates of this House, and the questions which you have reserved for your determination. From the camp of Don Carlos to the throne of Nicholas, they are attending to your proceedings; the world is listening to you; and do you think that they will not look upon you with contempt if they find that you permit paltry party spirit to enter into your deliberations and bearing upon your decisions by which you will distinguish one nation from the other, and make those whose powers ought to be united, consolidated and identified with each other, a divided, and a disunited people? But what is your resolution that you want to rescind? This is the resolution:—" That any surplus revenue of the present Church Establishment in Ireland not required for the spiritual care of its members——" The scope and object of the resolution, then are these:—to provide for the spiritual care of the members of the established Church. You say, then, that the money is not enough. This is what is said by the hon. Member for Donegal, who has highly praised the Establishment; but, then, how is this difficulty met as to the money being applied to political objects? It is declared that the surplus revenue " shall be applied to the moral and religious education of all classes of the people, without distinction of religious persuasion." Now there is the resolution that is so terrific. That it is which is to come between us and justice—that it is which is to stop us—that it is which is so monstrous, which is so frightful, that the reverend clergymen of the Church of Ireland declare that they are afraid the funds of the Church will be exhausted, that they never will be sufficient for all which the wants of the Protestants of Ireland may require. They are for the spiritual wants of the Protestants being supplied, and they declare that when they are supplied the surplus should not be employed in any other way. How, not employed in instruction—not employed in giving a moral and religious education to the people? Remember, it is for the moral and religious education of the people. Oh, you tell us it is not right to employ it in that manner. Why, how many of you are there who go about amongst us, how many of your missionaries are there amongst us, who tell us, that it is the benefit of education and the advantages of intelligence that are wanting to us to induce us to become Protestants? If you believe yourselves, then, why not act upon the resolution? You tell the world we want education, and you show the world you do not believe what you say. You prove to the world that you do not rely upon the Bible, but upon the strength of your party. You prove to the world that the only riches of the Church that you value are those which you can bring with you in Judas's scrip. If we are to be benefitted by education—if we are to be made Protestants by education—then why not allow us to be educated. If you believe, that Protestantism is the religion that will be preferred by educated men, then why have you such a horror of the surplus fund of the Church being devoted to that education which you say is the best method for making men Protestants. But then you may tell us, that though Protestantism may increase as education is acquired, yet it may happen that giving the surplus to education may not allow hereafter enough for the spiritual wants of

Protestantism. What in such a case does the resolution provide? It says, "providing for the resumption of such surplus, or of any such part of it as may be required by an increase in the number of the members of the Established Church." And yet that is the resolution which you want to rescind. That is the resolution which has so frightened the parsons of Devonshire that they have put forward their Member to move for its being expunged from the journals of this House. This, then, is the awful, this the dreadful, resolution! Oh! how I rejoice that in the struggle in which my country is engaged, and in which you are combined against her, that you stand before the world the parties to such an absurd, such a contemptible, and such an unjust resistance to her rights—that you, despite of the scorns and defiance, of the sneers of mankind, should stand thus before civilised Europe? That is the proposition you oppose, and that proposition goes no further than this —that the surplus is to be applied to the purposes of education, which education you yourselves say will make men Protestants; and then if, in consequence of education, more Protestant clergymen are to be required, then the very resolution you want to rescind, allows the resumption of the surplus for all the purposes required by an increased number of Protestants. You object to that. The shout you gave awhile ago was, indeed, a fitting honour for the hon. Baronet—not on account of his speech; for never in all my life did I hear anything more harmless than that was. Hon. Gentlemen on both sides of the House have given him credit for purity of intentions—they have spoken of the purity of his motives. Really, Sir, when there is a rule of the House that no one Member is to impute bad motives to another, no matter how bad his acts may be, I do think it ought not to be suffered to impute good motives to any man who has made a bad motion with impunity. And yet that is the position of the hon. Baronet. He has brought forward an unjust, an unfair, and an absurd motion, and then we are told of his good intentions. Now, if any man were to tell us, that the hon. Baronet was actuated by a desire of notoriety, that he was instigated by vanity, and that he was carried by the blast of Conservatism into a region which he never otherwise would have reached—oh! then the delicate and fastidious would be shocked, and it would be said you are not at liberty to impute bad motives, nor to accuse another of having bad intentions. The hon. Baronet has made a bad motion with good intentions; but did the hon. Baronet never hear of the Dutch proverb, which declares that a very bad place "is paved with good intentions?" I impute no motives to the hon. Baronet, and as far as Parliamentary language will allow me to go, I say, that I "laugh to scorn" any one who can say, that a man can come forward in this House and propose to expunge the resolution which I have now read, and that in doing so he can be animated with good intentions. But after him came the hon. Baronet, the Member for Warwickshire, who told us, that it was with delight he seized the opportunity of seconding the motion for expunging these resolutions. If that delighted him, I must say, that it is very easy to please him. He said he would not consent to "give to the enemies of the Church, the property of the friends of the Church." Will he tell me whose property it is? Will he also answer me another question, and tell me whose property it was? I have heard of one gallant Officer on the opposite benches, the hon. Member for Donegal, who endowed a Church in Ireland. I do not at all doubt it, for I can easily credit the liberality and piety of the hon. and gallant Member in this respect; but then, I ask, with that single exception, whose property was that of the present Church? Was it not the property of the Roman Catholics, and was it not given for the purpose of having prayers for the dead, for the celebration of masses, for the invocation of saints, and for the maintenance of such other "superstitious and damnable doctrines?" Yes, you thought the doctrine was bad; but then, you said, "the money is good,"—and, accordingly, you protested against the doctrine, whilst you took care anxiously to clasp the money to your hearts. And, having done this, you now refuse to do justice, under the paltry pretence of religion. It is a paltry and a hollow hypocrisy. There is a kind of morbid humanity abroad; it is to be found amongst men who affect philanthropy—who are tenderly alive to all the evils which may be endured by those who are not of an agreeable colour, and who are to be found in distant regions: they are men who overflow with the milk of human kindness for black men and women, but who can with patience, with equanimity, and even with approbation, look on, and see all the injuries you inflict upon Irishmen, and all the injustice you do to Ireland. I wish the Irish were negroes, and then we should have an advocate in the hon. Baronet. This erratic humanity wanders beyond the ocean, and visits the hot islands of the West Indies, and thus having discharged the duties of kindliness there, it returns burning and desolating, to treat with indignity, and to trample upon the people of Ireland as enemies. The hon. Baronet has used the words, "he would not allow the property of friends to be given to enemies." Is it to pay the priesthood of the people that the property of the Church is sought to be applied? No; for we, true to our principles, and finding the Catholic religion to prosper unconnected with the State, would not allow it to be contaminated by Mammon, and will only have it sustained as it has flourished, upon the voluntary contributions of its own Members. The hon. Member for Kilmarnock, who is not now in his place, but I suppose he is in the House, was kind enough to speak upon that side of the House also, and he, with a dexterity which was more to be admired than his candour, read half a sentence of mine, and took particular care to omit the other half. I alluded to the resolutions, and observed, that as Protestantism diminished, the contributions to the purposes of the State would be increased, and I also showed, that the expenditure for the purposes of Protestantism, would be enlarged with the increase of Protestantism. Was it fair, then, in this House to quote the first part of the sentence, and to omit the other part. The hon. Member for Pontefract is not here, and I am, therefore, willing to pass by the philippic he was pleased to make on her Majesty's Ministers. He told us, indeed, of "a cat lapping milk." But I shall not follow him; I shall only give him one line of poetry for his "cat lapping:—

"The cat may mew, the dog will have his day."

But the real point to be decided is this —whether you are disposed to make the Union permanent or not. My hon. Friend, the hon. Baronet, the Member for Drogheda, told you that which you would not believe me if I told you, but can you misbelieve him? He told you how deeply the people of Ireland feel as to the contest which is now going on. We may say, we are eight millions. I say, you may take the whole of the Protestants of Ireland, and it would be hard, indeed, to take them from the people of Ireland, for I am at this moment surrounded by Protestant friends who are ardent in the cause of Ireland; but, if I give you all, you will have a million and a half, including the Presbyterians, who do not love tithes. Taking, then, man for man, woman for woman, and child for child, there is a balance in our favour of five millions. You have a million and a half—we have six millions and a half; deduct the million and a half, and then you find a clear balance of five millions. "It is the total of the whole." For my own part, I never have disguised my opinion. I always have said, that a nation of eight millions was too numerous, if they had common sense, to permit themselves to be treated as a province. We were not treated as a province for near 700 years, though we were misgoverned; and for the last twenty-five years of her independence, Ireland was rising in prosperity unexampled in the annals of any nation. This, too, was happening at the time when you were running a course of profligacy. You were then sending your troops to America; you attempted to trample upon its liberties; but, thanks to the patriotism and spirit of its sons, they met you in arms, they defeated you, and they established their independence. [*"Question!"*] It is a question of which you will hear more than once. But, then, you having fomented a rebellion in Ireland, you availed yourselves of the diminished strength of the people, and the distracted state of parties, and with 150,000 troops in the country you carried the Union. I am ready to consent that that Union may continue. [*"Oh oh."*] You may sneer at that declaration, and say that you do not value my consent; but then you sneered at America, and you got your answer. Let the hon. Baronet tell the people of Ireland he does not value their consent, but I tell him, that if the Conservative faction, or the Conservative party, trample without hope of redress upon the people of Ireland, he may find that, though victory may not be inscribed upon the banners of the Irish, they never will consent to lie down degraded and willing slaves. The Union should be one in which there ought to be no distinction between Yorkshire and Carlow—between Waterford and Cumberland; there ought to be an identity of laws, an identity of institutions, and an identity of liberties. It may be said, that I push the argument too far, when I made use of the word identity; for the Church of the State in

England, is the Church of the majority. I find, that in England there are twelve thousand places of worship connected with the Established Church, and that the Dissenters have eight thousand meeting houses. The religion, then, of the majority of the people of England is that professed by the Church of the State. In Scotland, the religion of the people is recognised as the national religion. In Ireland, you have trampled upon the religion of the people, and you perpetrated your tyranny in the worst form, and in the most odious shape, until at length the people of Ireland spoke to you in a voice too loud not to be heard, and too unanimous to be misunderstood, and you found yourselves unable to continue them in their former state of degradation. In Scotland, the people turned out upon the mountain side—they met you in battle, and, having defeated you, you were obliged to yield in Scotland. In despite of you, there the Church adopted by the State, was the Church of the people. What, then, should be the effect of the Union? That the Church of the people should be the Church of the State. There is no principle, I mean no political principle, to prevent it; but there is a principle upon our part which must for ever prevent such an occurrence taking place in Ireland. It is this—that we are thoroughly convinced that it would be the surest mode of decatholicising Ireland. We believe, that tainting our Church with tithes, and giving temporalities to it, would degrade it in the affections of the people of Ireland. Offers have been made before to the clergy of Ireland, and they have been rejected—the offer of any connection with the State will ever be rejected. But, then, treating Ireland as you do upon this very question, you tell her that there is no Union with England. These resolutions do not go far enough. I admit it. But, then, I am ready to accede to these resolutions. My disposition is for an amicable settlement. The Protestant landlords are now beginning to feel the weight of tithes equally with the Catholics. From the county of Cork we perceive vast numbers of petitions proceeding from all classes of politicians. The Conservative landlords are becoming heartily sick of the payment of tithes. They may call it "rent," but the tenant understands it as an additional burden to his rent. If the tenant appeal to the agent for distraining for rent before the man is prepared to pay it, the agent tells him that the clergyman of the parish is pressing the landlord for his tithes, and he is obliged to collect his rent sooner than otherwise it should be done, for the purpose of paying the clergyman's demand; and thus it is, that though you may call it rent, the people feel it to be tithes. The Protestant landlords, and even many of the Protestant clergymen, are calling for a settlement of the question. Even within the last week the letter of Archdeacon Hoare has been published, in which he calls upon his brother clergymen to accept the admirable terms offered by the Queen's Government. Will it not be allowed to accept these terms? It is true, that here Protestantism is mixed up with politics, and the interests of religion are apt to be overlooked in the advantages of party. Piety is combined with the love of place, and the tranquillity of Ireland neglected for the hope of the enjoyment of office. The Protestant gentry, as well as the people of Ireland, call for conciliation now. Let, then, Ireland be now tranquillized; and, as far as an humble individual can do, I have set the example already, and I am ready to follow it up. I have paid my tithes: I did not pay them for five years; I had four persons attacking me at once. They have now been paid, because I wished to set the example of being prepared for an amicable settlement. But then the hon. Baronet will not allow that; his "good intentions" will prevent it, and induce him to rescind a resolution to which common sense cannot object, but to which political Protestantism can offer some opposition. We want equality with you, and you will not permit us to have it. You gave us a Reform Bill—it was a stingy and despicable Reform Bill.—Why? Because you would not trust us. Your political Protestantism again met us. We ought to have had the same franchises which you enjoy. We were entitled to them by the Union. Why not give us an equality of civil rights? Political Protestantism could not permit us to have them. England has Municipal Reform; Scotland has Municipal Reform. but Ireland has not obtained Corporation Reform. Why? your political Protestantism again. How wisely do you preach Protestantism in Ireland! You make it the pretext for depriving us of every species of equality with yourselves, and then, having rendered it odious, you send forth your missionaries to preach it amongst the people whom you have made its victims. It is despotism aided by hypocrisy, and yet you proclaim an Union, a Legislative

Union, between subjects of the same realm. You may do so, but you will be laughed at and scorned. I am making an experiment amongst you, and frankly and fairly I tell you, I am convinced you will not do us justice. What prospect is there of it, when I find that, owing to the enormous bribery practised by you amongst the freemen, you have got such numbers into the Commons, that the Lords think nothing of a majority of this House. It is of no avail for her Majesty's Ministers to bring in useful measures; we hear them taunted with the little they have done. Why, you won't let them do what they would. First, you taunt them with not doing more, and then, when they propose to proceed, you place yourselves in opposition to them, and tell them that there is another place. We know that there is another place. And we know that it needs only to be said, that it is intended to extend political advantages to the people of Ireland to ensure a veto being pronounced against the proposition. This is your triumph; yours is the power to insult; yours is the authority to oppress; you glorify yourselves in your haughty station; and while you pretend you wish us justice, you exert all the powers you possess to prevent the identification of our rights and liberties with yours. I did not intend to occupy the House half so long. The question is simply this—are you disposed to do justice to Ireland? You make us an offer; you say you are disposed to go into the consideration of the resolutions with good temper, but first the appropriation principle must be struck out. The meaning of that is plain: "Walk under the yoke, good gentlemen. Make the best of your way to the common place of execution—walk under it—bow your heads to it—and then, forsooth, when you have rendered yourselves as contemptible as degradation can make you, when you have satisfied us of your unmanliness and worthlessness, then we will consider you fit objects of conciliation, and entitled to participate with us in the enjoyment of rational liberty." That is precisely what the noble Lord, the Member for North Lancashire promised us; that is the way in which the noble Lord gave us to understand we might excite his good temper, and ensure to ourselves his countenance and all that is genial and winning about it. The hon. and learned Recorder also, protesting that he never made speeches as a judicial partisan, except at the monthly meetings of those liberal and enlightened men, the corporation of Dublin, told us what mighty things we might expect at his hands if we would but submit to this degradation. Do the hon. Gentlemen opposite taunt her Majesty's Government with not having carried this resolution into effect? Surely it is we who ought to complain of that. We are the parties who are entitled to ask why it has been allowed to slumber? No attempt, however, has been made to act upon it; and now the hon. Gentlemen opposite deem even the sound of it too much for our Irish ears. Its being allowed to remain upon the books is too great a submission to the wishes and feelings of the people of Ireland; and, consequently, one hon. Baronet moves, and another hon. Baronet seconds, both with the best intentions, a motion to obliterate it from the Parliamentary records. Heaven preserve us from your English Baronets. They are the oddest cattle I ever heard of. I find them voting for the principle of appropriation at one time, and calling for its condemnation at another. The hon. Baronet who seconded this motion has given a most unpleasant, I will call it a most awful, turn to the debate; it was in his speech that for the first time the distinctive appellations of religion were ever given to any parties in this House. He said, "the Whigs in 1688 had driven away a Catholic king, and he, in 1838, would assist in driving a Catholic Opposition from the Senate." If this be the way in which the hon. Baronet pleases to talk of the Catholic party in this House, I beg to tell him that we have to the full as good a right to be here as he has—[Sir *E. Wilmot* had spoken of Catholic dominion]. The newspaper reports correspond with the note I took at the time, but I am content to believe, that Catholic dominion was the phrase used by the hon. Baronet. There is no great difference between the two. What do we demand—what do we wish? We wish this resolution to remain on your books, and then the hon. Baronet talks of Catholic dominion; for I must take him to have meant dominion, if he says so. Now, let me ask, is not this the first time the distinction of religious parties has been introduced into this House? I assure the hon. Baronet that I am as little disposed to Protestant as he is to Catholic dominion; I beg to tell him more, that if Catholic dominion diminished his rights as a Protestant, there is not a man in existence who would more zealously and actively exert himself to destroy it than I would.

At the same time the hon. Baronet made that distinction, the hon. Member for Malton, who is a Protestant, the hon. Member for Armagh, who has belonged to the Presbyterian Church for twenty-five years, and another hon. Member, who is a dissenter of one of the persuasions, sat around me; and we four, each differing from the other in our religious opinions, joined in one expression of abhorrence at such a distinction being introduced amongst us. Shall we have polemical discussions in this House? I beg the hon. Baronet to understand that I am quite ready to meet him for any such encounter, but not here. I am as prepared and as disposed as he can be to give reasons for the hope that is in me; but we sit here as the representatives of the people, and as a representative of the Irish people, I call on you to remember that your Union is one of parchment: it may be one of cobweb, and it may be one of adamant, but the latter it will not be, unless you do justice to Ireland.

Sir *R. Peel* said, if the hon. and learned Gentleman has exceeded the limits which he prescribed for himself at the commencement of his speech, I am the last man that should be disposed to regret the superfluity, because if I wanted a speech to justify the course of my hon Friend—if I wanted a speech to show, that it is desirable we should know the principle on which her Majesty's Government mean to proceed—it would be the speech which we have heard from the hon. and learned Gentleman. The hon. and learned Gentleman says, that we propose to rescind a certain resolution which he read. The effect of that resolution was to appropriate a certain surplus of the Irish Church property to the education of all classes of her Majesty's subjects, without reference to their religious denomination. The hon. and learned Gentleman says, that because we propose to rescind that resolution, we must intend to govern Ireland through the medium of hardships and coercion. Then I ask the hon. and learned Gentleman, what does he think of those who practically abandon the resolution? If it be so great a crime to explain to the people of Ireland and to the people of England what are your real intentions —if it be so great a crime to ask you to efface from the records of Parliament the principle which would apply a surplus of Church property to education not connected with the Protestant faith—let me ask the hon. and learned Gentleman how he justifies it to himself to give his assent to resolutions which we are told do not involve the principle? Does the hon. and learned Gentleman maintain that those resolutions do involve the principle? Do they involve the principle or do they not? This is a final settlement—this, we are told, is to be a satisfactory settlement. Then, I ask, do the resolutions which we are asked to assent to, involve the principle of the resolutions of 1835 or not? If not, how does the hon. and learned Gentleman reconcile it to himself to give them his support? If they do, how does he reconcile his construction of them with the construction put on them by the noble Lord the secretary of Ireland, and, as it appears, also by the noble Lord, the Secretary of State for the Home Department. In the latter case, which authority are we to believe? And if a doubt exist between the Government and the hon. and learned Gentleman, who on this subject has such immense influence and authority—if we show this, do we not furnish a conclusive reason why we should have all vagueness and ambiguity cleared up, that we may come to a perfect understanding of the principle on which we are proceeding? I would ask further, can hon. Gentlemen be surprised at the anxiety and doubt that pervade the Protestant minds in Ireland when they receive the declarations that are made? The hon. Gentleman says, he gives his assent to the resolutions on this ground. He thinks, then, following up his own principles, that you ought to have the religion of the majority established in Ireland. As you have the religion of the majority in England established, and as you have the religion of the majority in Scotland established, so, says the hon. Gentleman, according to his principles, you ought to have in Ireland the religion of the majority established. And it is worthy of observation, that while the hon. Gentleman professes peace, and intimates that, after refusing the payment of tithes for five years, he is now setting a different example—while he refers us to the precepts of christianity, and professes everything that is mild and conciliatory, he always reminds us, as he has done this night, that the Scotch took to the hill side with their broad sword—and that in Scotland the religion is that of the majority. But, says the hon. Gentleman, "though I consider this doctrine sound and conclusive, yet I will not push it to its practical results"—and this is the security we have. "I don't ask you, says the hon. and learned Member, to establish the religion of the majority in Ireland, because we utterly repudiate any connection with the State. We are so satisfied, that a participation in any portion of the Church property would so desecrate our faith as to deprive it of its influence, that we cannot consent under the circumstances to receive a portion of that property, and we, therefore, choose not to push to their legitimate conclusions our arguments with regard to the principles." The hon. Gentleman is looking with some anxiety for the quotation which he sees I am about to make. I am not surprised at it when I see what security there is in the abstinence of the Irish people. I have said he rests his own forbearance on the ground that he repudiates any participation in Church property; but it was to him that the people of Ireland gave this assurance, as a condition of the establishment of tranquillity in that country. "Would you tranquillise Ireland, follow up this plan." Now, what plan? Of course you would suppose a plan in utter repudiation of any connection with or participation in Church property. Quite the reverse. "Follow up this plan; give the glebes to the value of *300l.* per annum as the pay of the clergy of the great and overwhelming majority of the people of that country." Gentlemen of property and influence may refuse to pay tithes for five years; but there is one species of property that is staple that is exempt from spoliation, that a refusal to pay tithes cannot effect, viz. the glebes in the possession of the Church. Leave the Church nominally in possession of the tithes which may be withheld by conspiracy and the advice of subtle men? but if you wish to establish tranquillity follow up this plan; leave the tithes with the Protestant Church, but take the glebes for the Catholic. The hon. Gentleman appealed to the Act of Union; he says he holds by the Act of Union, and wishes to give that national compact a fair trial. He concludes that the Act of Union establishes the equality of civil rights—Good. Does it nothing more? Was it not one condition of the Act of Union that the Protestant Church in Ireland should be maintained unimpaired. And was not that a fundamental condition? I ask, then, is it fair of the hon. Gentleman to declare his adherence to that part of the Act of Union which favours his views, but to deny its validity in matters with which his views do not accord? In order to form a correct judgment of the nature of the proposition made by my hon. Friend, and of the justice of those accusations which have been preferred against him and others by the noble Lord, it is necessary for me to take a short review of what has taken place with respect to this question. There are many hon. Gentlemen from whose minds the facts may have been obliterated by the public events that have since transpired, and there are also many who not having been in the last Parliament, may not have watched the progress of the question so as to be thoroughly acquainted with it. I consider it necessary, therefore, that I should preface my answer to the noble Lord by shortly reverting to what has transpired on this subject. I came into office at the latter end of the year 1834, and I was at that time sincerely desirous of effecting a settlement of this tithe question. Such was my anxiety that I exposed myself to a charge of plagiarism by adopting the principles of the former Government. The charge was, that I had taken up the bill brought in by his Majesty's preceding Government. I, however, brought in that measure which proposed a deduction from the incomes of the clergy to the amount of twenty-five per cent., and the reduction of the tithe composition to a rent charge. We professed a desire to correct any abuse in the Protestant Church, to reduce those incomes that were excessive, and to require duties from those who did not perform any. Was I allowed to proceed with that measure, the principle and details of which were taken from the bill of the hon. Gentleman opposite? No, I was met by a preliminary objection; I was told, that I should not proceed practically with the consideration of the measure, because it was necessary to pass a resolution embodying in it principles which were considered indispensable to the settlement of the tithe question. I told the noble Lord that he would have the opportunity of his triumph over me equally by bringing in a practical measure, but I deprecated the introduction of a principle in a resolution which would have a tendency to bind Parliament hereafter. I said, "bring in your own measure, adopt your own principle, if it is a good one, and capable of practical developement, and if your reasons prevail, your success shall be equally decisive of my fate." Not content with that, however, the principle was pressed which declared, that if there were a surplus, it should be applied to purposes of education; and this was superadded, that at no time could any settlement be satisfactory which did not embody that principle. Such a resolution was perfectly unnecessary. I foretold the consequences of its adoption. I told you that your triumph, as public men, would be of short duration. I did not mean official triumph; it is possible for men to be in office and not to be triumphant. No man is, perhaps, better entitled to lay down that maxim than myself. I asked you to avoid establishing a principle which, for all time to come, must preclude a compromise. I begged you to avoid deciding by a single vote so great a question. I warned you against a course which appeared to have the effect, though it had not really, of passing by the House of Lords. You persevered, though you knew that the success of a practical measure must be equally decisive of my fate; you persevered, and you said, "We will lay down for the guidance of public men and future Parliaments this principle, and they shall not approach the tithe question unless they adopt it." The hon. Gentleman opposite succeeded. I said then, as I say now, that I never would be a party to that principle. I will not consent to the alienation of the Church property from purposes strictly ecclesiastical, and rather than do so, I took the course which every honourable man would take under similar circumstances—I relinquished office. The hon. Gentlemen opposite brought forward their own measure in 1835. When they did so, I moved an amendment. We moved that the bill be separated into two, for the purpose of manifesting our adherence in opposition to our own principle. We moved, that the bill be separated into two, for the purpose of establishing a rent-charge in lieu of tithe composition, and effecting the necessary reforms in the Church, being of opinion that the diverting any surplus to purposes of education would be properly the subject of a separate bill. How were we met when we made this proposition? And now I want to know who were the real parties who obstructed the settlement of this question. As I said before, when we attempted to bring this question to a satisfactory conclusion by placing it on that footing upon which it could be brought under practical consideration, we were met by this resolution, upon which the compact alliance was formed. And upon this resolution we went out. And when we proposed the separation of the two measures, how were we met? Why, the right hon. Gentleman, the Chancellor of the Exchequer, who is now taking notes—thus replied, and observed that we attempted to lay down no abstract principle of our own; we did not meet the proposition of the noble Lord by the principle that Church property should stand devoted to spiritual purposes only; we merely said, let us have a separate bill. How were we met? The Chancellor of the Exchequer said—

> "The hon. Baronet now called on the House to sever the two propositions, either for no purpose at all, or for the purpose of passing that portion of the bill relating to the concession of the million and the settlement of the tithe question, and of throwing out the other portion of the measure relating to appropriation. If the right hon. Gentleman wished the House to retrace its steps, would it not, then, have been much more decent if the right hon. Gentleman had come down and asked them to rescind the resolution they had sanctioned in so many forms."
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> "The more straightforward course, added the right hon. Gentleman, would have been for the House to have been called on to rescind its former resolution; and, if any hon. Gentleman thinks he can vote for this resolution without rescinding the former vote, let him recollect the cheers with which the announcement was received; that it was intended to negative one part of this bill and to carry the other part."
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> "I am prepared to argue the case when we go into the Committee after having negatived this resolution, but I will not allow what was a Parliamentary minority on a former occasion to convert itself into a majority by a little sleight of hand and legerdemain dexterity, such as moving a resolution which is apparently one thing, though most unquestionably it means another." *

Thus, when we propose the particular course that would have avoided the difficulty, we are told that we are not candid and straightforward. And when we now come with a proposition to rescind the resolution, when we adopt the very suggestion that was offered to us, we are told that we may be very candid and straightforward, but we are making you pass under a disgraceful and dishonourable yoke, and your flesh and blood revolt against it. Thus passed 1835. In 1836, the question was again brought forward. My noble

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* Hansard (third series) vol. xxix. pp. 840, 842.

Friend (Lord Francis Egerton) asked for leave to bring in a bill embodying your own principles, and, at the same time, asked the noble Lord (Lord John Russell) to postpone his bill then before the House. "No," said the noble Lord, "I will not postpone my measure." My noble Friend then moved his bill as an amendment, and again it was rejected. The noble Lord's bill was sent to the House of Lords, that is the bill passed by the noble Lord in 1836. The House of Lords passed the bill, reducing the composition to a rent charge by twenty-five per cent, making reforms in the Church, but not embodying the principle of appropriation. I asked the noble Lord to take the amendments into consideration. The noble Lord refused to take them into consideration, because they did not adopt the principle of the resolution; and the noble Lord said, that if this House entered upon a consideration of the bill as sent by the House of Lords, it would be a recantation of their former resolution, and thus this bill was also lost. The year 1836, therefore, passed with an ineffectual attempt to bring this question to a settlement; 1837 came, and now I approach that part of the noble Lord's speech in which he made use of this language, that attempts had been made to deceive him by the declarations put forward by us, and that hereafter he would consider such declarations as nothing more than tricks and stratagems. I must beg leave to say, that whilst I have been in opposition, I have refused to have any secret negotiation. I have held no communications, and this not from any personal disrespect towards those who differ from me, but because I think it naturally shakes the confidence of a party in those in whom they place confidence. Whatever has passed upon this or upon any other occasion has passed in the face of day, and in this House, and therefore in the most peremptory terms, as peremptory as is consistent with the courtesy of Parliamentary usage, I deny that the noble Lord has been deceived. I will first refer to what passed at the close of the last Session of Parliament with respect to the Irish Tithe Bill. That bill made no progress in this House, on account of circumstances for which Government were not responsible, the lamented death of his late Majesty. A debate arose upon the Municipal Corporation Bill for Ireland. The question between us is this—Has the noble Lord ever had the slightest ground for believing, that I had relaxed in my oposition to the principle of the resolution of 1835? Has any act or declaration of mine ever entitled the noble Lord to believe, that I would be a party to any settlement of the Irish tithe-question, which should involve directly or indirectly the principle of appropriation? I peremptorily deny it. The noble Lord made this declaration—"That no false delicacy, no false pride, or improper fear of reproach, would induce him obstinately to adhere to anything that heretofore had passed." Do I taunt the noble Lord with this declaration? Do I turn round and say, "You forced me out of office upon this question, and now you apologise, and recant your former declaration?" No: for my part I declare, though that resolution of 1835 was fatal to my Government, not a word of taunt should the noble Lord have heard from me on this subject; and if the noble Lord will now adopt that course, if he will consent to abandon the resolution, if the noble Lord will proceed to the consideration of the question with a view to a final and satisfactory adjustment, that is the only way in which the question can now be satisfactorily settled. Do not let it remain suspended as at present. Do not let us aggravate the evil by discussions without any specific object. Do not let us vote upon a resolution which, whether it be adopted or abandoned, will be the cause of engendering bitterness in Ireland. The noble Lord and his colleagues know, that it is impossible to leave the question in its present state. This declaration I made last year upon the subject. This declaration I made in the same Session in which my noble Friend declared, that he was desirous to see those great questions which divided the House on Irish matters brought to a satisfactory settlement, and that he would participate in all measures that would have that effect, but that he never would consent to a settlement of Irish tithes upon the principle of the appropriation of Church property to secular uses. This was what was said by my hon. Friend, who, I suppose, is also included in the reproach of the noble Lord—this was what he said at a later period, namely, on the 9th of June. And what course did we take upon the bill of last year? We supported the noble Lord's bill on the second reading; and so little desirous were we of offering a mere factious opposition to the bill, that when Mr. Sharman Crawford opposed the bill on the second reading, my hon. Friend and myself divided with Government against that hon. Member's motion. Although we thought that the bill contained a principle that was objectionable, what course did we take? We said, "There will be an opportunity in Committee to oppose the objectionable parts; do not therefore let us refuse our assent to the second reading." We consented to the second reading of the bill, although there were many, at least some, on the other side of the House, who opposed it. The hon. Member for Southwark (Mr. Harvey) opposed it on the ground, that it did not go far enough, and that it did not give enough of Church property, but we declined to co-operate with those who sought to obstruct the measure of Government. What, then, was the language of my noble Friend that was calculated to deceive, and which entitled the noble Lord (Lord John Russell) to say, that he had been placed in a false position in consequence of tricks and stratagems? This was the language of my noble Friend (Lord Stanley): "However anxious I may be to see this measure carried, as the basis and ground-work of a great national settlement of the important questions which agitate the public mind, I should not discharge my bounden duty if I did not frankly declare, that no consideration whatever, with reference to this or any other bill—no asserted probability of a settlement—no profession of acquiescence in its provisions, will ever induce me to give my consent to the taxation of the clergy for this unjust and illegal purpose."* What was the principle of the bill of 1837? It laid a tax of ten per cent. upon the clergy for the education of all classes of all religious denominations; and against that principle, which virtually contained the appropriation principle, I objected. But when was the language used which had deceived the noble Lord? Was it in the course of this Session? I have this year professed my desire to see the question settled, but I said without the abandonment of the appropriation principle no settlement could be satisfactory. I deeply regret the obstacles that have arisen in the way of the settlement of this question; I lament those divisions that exist in Ireland, sincerely, and more so than if they existed in England, because in the former they are more dangerous; but this is a great question of principle, involving the permanent security of the Irish Church, and I repeat that I cannot consent to a settlement which shall devote any portion of Church property to secular uses. What I now contend for is, that I never led the noble Lord to believe that I would consent to a settlement upon, any other condition. The noble Lord intimated, that he had postponed the Irish Municipal Bill till after the Irish Tithe Bill at a request of mine, and that by that means he had been placed in a more unfavourable position. I deny the fact. The noble Lord gave a formal notice that he would ask a question of me, and he did ask that question late in March, but so little expectation had the noble Lord that I would make a compromise on the subject of the Municipal Corporations Bill, or any other Bill, that the question put by him was simply this—namely, if I would let him know if my noble Friend would make a motion as he had done last year, whether he intended to divide the Municipal Corporation Bill into two; and whether he intended to submit to the House a proposal for abolishing, but not reforming municipal corporations. The noble Lord was so completely in ignorance of the course we meant to pursue on this or any other measure, except so far as he could collect from our public declarations. The proposal of delay, therefore, was not made from me, but it originated in an unusual question being put by the leader of a Government to a Member in Opposition. After the noble Lord's formal notice, I said that I could not give any explanation as to my future course; but I begged leave to ask a question of the noble Lord respecting Irish tithes, and in asking that question I made use of this explanation. This was on the 27th of March last, before the recess. I made use of this explanation. I find entered on the journals of Parliament these resolutions and they may be considered as still remaining in force. [*Question, question!*] I did not seek this. The position in which I am placed is rather an unusual one. I am laying the foundation of an answer to the question of the noble Lord, on the answer to which his own reply would mainly depend. I find these resolutions on the journals of the House—

> "That this House do resolve itself into a Committee, in order to consider the present state of the Church Establishment in Ireland, with a view to apply any surplus of its revenues, not required for the spiritual care of its

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* See Hansard (Third Series), vol. xxxviii., p. 1377.

members to the general education of all classes of her Majesty's subjects, without distinction of religious persuasion; and it is the opinion of this House that no measure on the subject of tithes can lead to a satisfactory and final adjustment that does not embody the principles contained in the foregoing resolutions."

These resolutions were voted by a former House of Commons, at the instance of the noble Lord now the leader of the present House, and coupling them with the Speech from the Throne, entitled himself, I think, after the lapse of four months, to put this question to the noble Lord, "whether it is his intention to bring forward a measure on the subject of Irish tithes, and whether that measure will involve the principles contained in these resolutions." After the noble Lord had given his answer I stated: "There is a prospect, I trust, of coming to a settlement on the Irish Poor-law Bill; I for one, wish it may be possible to come to a settlement with respect to the Irish Corporations Bill, and the bill relating to the Irish Church—but I feel myself bound to what I always have said on the question, that a security for the Irish Church must be an essential condition of any such settlement."* I must say, then, coupling what I said in 1837 and the declaration made by me in 1835, that I am not chargeable with making declarations from trick or stratagem, and that I have not placed the noble Lord, as a member of the Government, in an unfavourable position on this question. What is the course which the noble Lord has taken? What is the nature of his resolutions? I do not wish to reciprocate personal attacks upon the other side of the House, I will not bandy hard words with the noble Lord. I do not think it answers any purpose. I heard the speech of the noble Lord; I heard the temper of it with deep regret. It is in vain for the noble Lord to say, that we will not concur in a satisfactory settlement of this question, when, at the same time he is opposing insuperable obstacles to its settlement, by rousing every feeling of pride—by telling men like the Irish clergy, men who have been deprived of their tithe for the last four or five years, men who have submitted to poverty and oppression, and who now say they are ready to make further concessions for the sake of peace, provided you maintain the integrity of the establishment; by a Minister of the Crown telling such men, after such privations and such sufferings; that they set a price upon the value of peace, while they offer to give up fifteen per cent. of their income for the purpose of insuring peace in Ireland by telling these men, who have in many cases abandoned their just right, who have been deprived of their tithes, who have lived upon funds doled out by charity—that they are insensible to the peace of Ireland —that their constant anxiety and deep interest for the Establishment arise from mere mercenary motives—that they think more of their pockets than of the tranquillity and peace of the country—I say, Sir, making such charges against such men, places difficulties in the way of a settlement of this question so vast, that any authority or counsel of mine—if authority I have—must fail to produce a satisfactory settlement.

> "Of all the ills that harass the distressed
> "Sure, the most bitter is a scornful jest."

Then the noble Lord comes with this question, whether we are justified in moving to rescind these resolutions. I do not attempt to conceal, and if I did I could not, that it is difficult for a Government to consent to the formal rescinding of its own resolutions. I think, for the character and honour of public men of both sides, that the public should know what are the principles on which we proceed; and if I were to say that the rescinding of this resolution would not be a severe blow to the Government, I should be guilty of hypocrisy. But it was open to the noble Lord to have avoided this discussion. I say, on my own part, that if the noble Lord held this Session the language he held last Session, if he had come forward and said, "we will attempt the settlement of this great question of Irish tithes, in which Irish conflicts arise—we will propose a measure, and a reasonable measure, with respect to Irish tithes, and we will ask you to consent to an Irish corporation bill founded on the principle of popular election;" and if the noble Lord had said he would abandon the resolution of 1835, if the noble Lord had said he would not shrink from the unpopularity of that course, if he had proposed a settlement on this footing, and said, that he would not guarantee that the arrangement should be final against future attacks, but that he would pledge himself to use the full weight and influence of Government to make it final; and if the noble Lord were to give up the principle of the resolution of 1835, I do not believe that the noble Lord would find a great minority to insist upon the resolution. But what course does the noble Lord take? Does he take the manly course of declaring that he will not retain the resolution of appropriation? Quite the reverse. The noble Lord has taken a course with respect to his proposed Tithe Bill and the nature of his resolution, which is calculated to excite suspicion and alarm. The noble Lord made no speech in laying his resolutions upon the table of the House, and permitted them to go to Ireland without any explanation of his objects and motives. And of what nature are the resolutions? I read them over and over again, and I now doubt whether they contain the principle of appropriation or not. I am inclined to believe that they do contain the principle of appropriation. Am I singular in that opinion? What is the language of the noble Lord's own supporters? What said the Member for Wiltshire? He said, that he had read the resolutions over and over again, he devoted whole days to them, but it was not till last night that he discovered that they did not contain appropriation; and, be it observed, this was not till after the hon. Member had heard the speech of the noble Lord. The noble Lord, the mover of the resolutions, yesterday made a speech of one hour and a-half's duration, and yet he never told us whether the principle of appropriation was contained in them or not. He left us more bewildered at the conclusion of his speech than at the beginning. I never before knew an instance of a man holding the situation of Secretary of State and leader of the House of Commons discuss a great question upon a motion which he meant to be the foundation of its settlement, and never to state what he meant. It was not till the end of the debate last night, that the noble Lord, the Secretary for Ireland, told us, that he believed the appropriation principle was not included in the resolutions. What said the hon. Member for Sheffield (Mr. Ward), than whom on the wording of resolutions no man in the House was a higher authority? He had been the mover of resolutions of his own, and was a good judge of what the resolutions were intended to be. With all the hon. Member's experience of resolutions, what said he of the vagueness of these resolutions of the noble Lord? He said, that on reading the resolutions his first impression was, that they were vague and ambiguous, but on reading them again he said he thought he discovered in them the germ of appropriation. This was the construction the hon. Gentleman put upon them. Those were his own phrases. What course does the noble Lord ask us to pursue? I will not say, whether there is any stratagem or trick; I have no right to impute motives, but this I will say, that never was a proposal made so calculated, though perhaps not intended, to entrap us into difficulties, for he asks us to go into Committee upon those resolutions, without first stating, what is his proposition respecting appropriation. Let me ask, how any impartial man would look at this question? After all that has been said on the subject of Irish tithes—after making this a popular instrument by which you have heaved a former Government from office—after all the division in the country upon the subject, for the honour and credit of both sides, it should now be distinctly understood whether the question of appropriation is by those resolutions affirmed or not. Now, what is the position in which we are now placed by the noble Lord? We are invited in Committee to express in the first place an opinion, "that the tithe composition in Ireland should be commuted into a rent-charge, at the rate of seven-tenths of their amount." Now, what amendment could be proposed to the first resolution, but one purely of detail and of amount, as, for instance, to give seventy-five per cent. instead of seventy? But after having exhausted all discussion in matters of detail on the first resolution, there was the sixth resolution hanging behind:—"That it is the opinion of this Committee, that the rent-charges for ecclesiastical tithes should be appropriated by law to certain local charges now defrayed out of the consolidated fund and to education, the surplus to form part of the consolidated fund." Now, I ask, supposing we had assented to this resolution, would not there have gone forth one universal impression throughout this country and Ireland, that we had abandoned the principle of appropriation. Why, what was said upon the subject of these resolutions by the hon. and learned Member for Dublin? What construction did that hon. and learned Member put upon these resolutions? I think his words upon this subject of great importance; and he expressed these in a letter which he published soon after these resolutions were promulgated. The right hon. Baronet read an extract from the letter in question to the following effect:—"Such was the plan of Lord John Russell. It held out the prospect of an immediate amelioration to the extent of thirty per cent., which, however, was scarcely adequate to what was required; another amelioration which it promised was, the appropriation of the surplus of these rent-charges to county burdens which had hitherto pressed on localities; and lastly, it speedily offered a direct appropriation of funds for education." The hon. and learned Member's letter continued by stating, that "he certainly did not concur in all Lord John's arrangement, but that he thought it contained the germs of a future arrangement, and a more perfect and final settlement." I say, Sir, that when the people of Ireland are told by such high authority as that of the hon. and learned Member for Dublin, that these resolutions are chiefly to be esteemed because they provide a direct appropriation for the purposes of education, and because they are the germ of a future arrangement and more perfect and final settlement, they are warranted in drawing two conclusions—first, that the principle of appropriation is contemplated in these resolutions; and secondly, that even this arrangement is not to be a final settlement, but is only to be used as a stepping-stone to other arrangements. On these grounds I consider it to be absolutely necessary to arrive at a satisfactory understanding upon this point before we proceed further in this question. Three courses were open to us by which this understanding might have been attained: either the noble Lord might have made a manly and frank avowal, that, finding it impossible to pass this measure fettered with the principle of the resolutions of 1835, he was prepared to sacrifice the appropriation clause in order to arrive at a satisfactory adjustment of the question; or we might have brought forward an abstract resolution of our own, condemnatory of the principle of appropriation; but that was a course which appeared to us obnoxious to the objection urged against your own resolutions of 1835, that they were abstract resolutions, fettering the practical consideration of a particular subject; or lastly, the means were open to us which we have adopted, of asking the opinion of the House upon this question, and of showing our faithful adherence to the principles which we formerly defended, by moving the rescinding of those resolutions of 1835, as being calculated to obstruct the satisfactory settlement of this great practical question. To have put off this discussion would not in the least have forwarded the practical result at which we aim. We could not have discussed these resolutions in Committee without giving rise to it; or if your course had been by bill, the very preamble to the bill would have raised the question; and, therefore, on the whole it appeared to us most satisfactory, that, as a preliminary proceeding, we should elicit the opinion of the present Parliament upon this great point at issue, and show, that our opinion remains unchanged in reference to it. These are the grounds upon which I oppose these resolutions, being unable to lend my aid to the passing of a measure which shall tend to the alienation of Church property. The grounds upon which I act are not any dictates of false pride, which the noble Lord speaks of; but because I conceive, that to alienate Church property to secular purposes will inevitably shake the foundations of that establishment. The noble Lord referred to the Act of Union, and said, that he was resolved to maintain the Church Establishment because it was guaranteed by the Act of Union. I, Sir, adopt the same principle. The noble Lord says, that to disturb the Church would cut a rent in the Act of Union. I agree with the noble Lord, and I say, that if we adopt the principle of alienating the property of the Church, we create that rent. The question, Sir, with me now is this—is the Church of Ireland likely to enjoy more of staple freedom under the existing state of the law, or by purchasing a short respite from persecution at a cost of some 50,000*l.* or 60,000*l.*? And my opinion is, that unsatisfactory as is the present state of the affairs of the Church, it is less to be deplored than it would be after purchasing a small portion of goodwill, or rather, a brief immunity from attack on these terms. It is not the amount of the money that I speak of, but the principle which is involved with it. What have we to urge in favour of the maintenance of the Church Establishment at present? The national compact entered into at the time of the time of the Union—the solemn guarantee given to the Protestants of Ireland, that the Protestant faith should be the established faith of that country, that their Church should be the Established Church. All the details and statements which are now advanced against the propriety of this arrangement, are there fully considered—the relative numbers of the Protestants and Catholics of Ireland were taken into account by the statesmen of that period—the poverty of the Roman Catholic population, and their poor ability to supply the means of religious culture, were all appreciated; but still the principle was adopted and declared, that the Church of the minority should be preserved. The Legislature of that day was not blind to the anomaly of the arrangement, but with full consideration of the objections to which it was liable, they determined as they did. There is another act connected with this subject—I mean the Act for the Relief of the Disabilities of the Roman Catholics. The noble Lord was pleased to taunt me for the part I took in the passing of this measure. I can only say, that I hear with perfect indifference any taunts which may be thrown out against me on that subject; for I feel that, if I had taken any other course than the one I took, for the purpose of gratifying any feelings of personal ambition or pride, I should have been so ashamed of my conduct that I should have been inclined at once to retire from public life. I brought forward that measure on account of the state of the public mind of the people of England at that period, apprehending more danger from the fact of ranging the Protestants of this country, in hostile feeling against those of Ireland than could arise from the privileges, to be conferred by that enactment. I entertained that opinion, I submitted it to the Crown; and was I, after having so done, to go out of office, and for the sake of an appearance of public consistency to offer a sham opposition to the very measure I had just recommended to the King, because I had always previously opposed it, and yet permit it to be carried? In my opinion, Sir, such conduct would have been dishonourable and dishonest to the fullest extent. In truth, it would have been much more convenient to me at that period, to have gone out of office, and allowed the hon. Gentlemen opposite to pass that bill; but having advised the King to sanction the measure; and the King having adopted my advice, I felt bound to sacrifice all personal considerations of every kind, and to assist in passing it. Some may say, that I should have come to this decision earlier than I did, but no one can say, that having adopted that opinion, I left office, or shrunk from any of the personal responsibility which that opinion entailed upon me, including the sacrifice of party ties in which I had hitherto been bound up, and the risk of losing the confidence of those with whom I had always been accustomed to act. Would any one say, that it was any purpose of party power or aggrandisement that induced me to abandon what had been the chief pride of my life, the representation of the University of Oxford. The noble Lord, when he taunts me for my change of conduct in respect to the Roman Catholic Relief Act, and when he taunts my noble Friend near me for now acting in concurrence with me on this and other questions, can surely not forgot the very evident rejoinder to which he subjects himself. The noble Lord can surely not forget the year 1827, when, on the great subject of Parliamentary reform, he published an opinion that he saw no necessity for such a measure. But I will not pursue this further. These are too important subjects to be trifled with in this manner. I will not retort upon the noble Lord any of his taunts. I do not, in fact, feel anything that has been said, because I know, that any imputations of the sort, whether upon myself or my noble Friend, are unjust and unfounded. I do not feel them, they make no impression upon me, and therefore I shall not reply to them. I was speaking of the Roman Catholic Relief Bill, and I said, that at the time of the Union, we had a guarantee that the Protestant Church should be maintained as the Established Church in Ireland; and although the passing the Roman Catholic Bill was not in the nature of a compact, yet I am convinced that the majority of persons in the country then believed, that civil equality to Roman Catholics, might be conceded by that measure with perfect security to that establishment. If, at the time of debating that proposition, the hon. and learned Member for Dublin had told us, that the measure of relief would yet be incomplete—if he had told us his story of the Scotch taking to the hill side, and armed with swords, and informed us, that the first consequence of the Roman Catholic Relief Bill would be the spoliation of the Church of Ireland, let me tell him, that that measure never would have been passed. No; the people of this country would never have consented to the removal of those disabilities, if they had known that the inevitable consequence of it was to be the alienation of the property of the Church. So far from such a result being contemplated, I refer to the opinions of Lord Plunkett, Mr. Grattan, Lord Carbery, and others, who distinctly denied, that such would be the case. I refer also to the preamble of the bill, which stated that the removal of the civil disabilities of the Roman Catholics would tend to strengthen and maintain the Irish Church. This is our position now; but the moment we depart from it, and consent to purchase a little diversion of hostility from the Church, at a cost of 50,000*l.* or 60,000*l.*, that very moment the principle upon which we stood, is abandoned, the Act of Union no longer guarantees the inviolability of the Church of Ireland, and we admit a principle of appropriating the revenues of the Church, to purposes of education, exclusive of the establishment. I do not mean to say, that it would become immoral for a Protestant father to give his children the benefit of this instruction, but it cannot be denied, that in bringing forward an indiscriminate system of education, we imply that it is to be a course of instruction not in the principles of the Established Church; and, therefore, the whole state of things in that respect would be at once changed. With respect also to your amount as applied to your principle. You say that 400,000*l.* is too much for the revenues of the Church, and you propose to abstract 50,000*l.*; but surely if you cannot maintain the maintenance of that Church upon the grounds of morality and reason, do you think that the Catholics of Ireland will be satisfied with an eighth only of these revenues? The principle of the noble Lord is at once fatal to the Establishment, whilst it has not the advantage of purchasing even present peace. On these grounds, therefore, I think that the present position of the Church of Ireland is better than it would be by accepting any such composition. The noble Lord says that the question now before us is a question between two distinct principles of Government. I am ready, with the noble Lord, to come forward to give all civil privileges to the people of Ireland, provided we can do so, still adhering to the principle of maintaining the integrity of the Established Church. This was the condition upon which I agreed to, and the people of England allowed of, the Roman Catholic Relief Bill; and unless we now have satisfaction on this head—namely, the security of the Church of Ireland—we shall prefer the satisfaction of awaiting the devolution of the new powers which may be directed to undermine its strength, to voluntarily giving up an eighth of its revenues to be diverted to purposes foreign to its objects. With reference to education, I should like, I must confess, to see the country so circumstanced as to allow of a system of education being conducted by members of the Church Establishment. [*laughter*] Hon. Members who laugh at this observation can surely not rightly apprehend its import. I said, that I should like to see the country so circumstanced as to allow of that principle of administering instruction; but I am too well aware that that cannot be the case in Ireland if any doctrines of the Established, or if any section of dissent, are made a *sine quâ non* in the room of instruction. I am perfectly ready however, to allow of instruction being provided for the Roman Catholic population on general subjects; for I conceive that the interests of the country would be better consulted by giving them education than by keeping them ignorant. The alternative, therefore, is not between a course of Protestant education or of Catholic education, but a third course is open to us of general moral education, which I should willingly adopt. I certainly prefer a general course of instruction of this kind; and so far as the duties of the state are concerned in it, I should not object to allow the grant of any sum of money which might be deemed necessary for the purpose. And here, in fact, there is no real difference of opinion between me and the noble Lord. It is just as well that this instruction should be paid for direct and at once out of the consolidated fund, as by the complicated machinery of your sixth resolution, which, in fact, is a mere delusion. Whilst I object at all to the principle of alienating the funds of the Church from strictly ecclesiastical purposes I still more strongly object to applying such alienated funds to a course of education from which the principles of Protestant faith are excluded. The principles on which I object to this mode of appropriation are these. By this measure no satisfactory arrangement can be arrived at: it will alienate a part of the property of the Church, whilst at the same time, it will not give satisfaction to the Roman Catholics of Ireland. In passing such a measure as this you would be abandoning your duty as a Protestant Legislature, by allowing a principle which will in itself undermine the Protestant Church, or at least give the means, by future agitation and discontent, to bring it to a state of ruin. Upon these grounds, therefore, I give my cordial support to the amendment of my hon. Friend, in order to show my consistent maintenance of a principle which I ever defended in office, and which I still adhere to in opposition.

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* Hansard, vol. xli. p. 1315, 1319.

The *Chancellor of the Exchequer* said, that the disadvantage of rising to address the House at so late an hour on the second night of an adjourned debate was not diminished by the circumstance of his having to reply to the right hon. Baronet opposite, whom all admitted to be the leader in point of ability and elocution, as he was the leader in station, of the great party of the Opposition. He felt, however, that as the question upon which the House had to decide, when disencumbered of the extraneous circumstances pressed into the service—by no speaker with more profusion than the right hon. Baronet himself—was a very simple one, it would not be necessary for him to occupy their attention for any length of time; and that, confining himself to the real merits of the particular point at issue, a plain, easy, and simple duty awaited him. No one could more regret than he did that either angry feeling, or party bias should have been introduced into the present debate. But who was responsible for its introduction? What had led to it? Why, he took it, on the showing of the right hon. Baronet himself, for he could require no stronger authority than that which the right hon. Baronet's words afforded. The right hon. Baronet admitted that the proposition which had been made was one in which, he well knew, her Majesty's Government could not be expected to acquiesce. Why, then, had it been introduced at the present moment? If the resolutions on the table had involved the question of appropriation, he should not have quarrelled with the right hon. Baronet for saying to the House, "Before you discuss those resolutions, I will have you discuss the resolutions of appropriation which they include." But how stood the case? Did the resolutions of his noble Friend contain the principle of appropriation? The right hon. Baronet seemed to say he was uncertain as to whether they did or not; but he defied any man, who came to the discussion of the subject with the smallest practical knowledge, to entertain a doubt on the point. If there had been doubt on the subject, why did not the hon. Baronet, the Member for North Devon, or some other Member of the Opposition, rise in his place and seek information from the Government as to whether or not it was their intention to include the question of appropriation in their resolutions? No, that course would not have suited the designs of the hon. Gentlemen opposite. They well knew that what was wanted was a trial of strength on the matter—they came to it, and he for one thanked them for thus giving the House an opportunity of reconsidering the matter. He regretted the course that had been taken by the Opposition; but on higher and better grounds than any party discussion or party division, and it was because he saw the effect of it was to deprive the Government of all chance of settling the question by an amicable discussion, in order to obtain for the Gentlemen opposite a party vote. He would put an analogous case connected with another subject of conflict between them and the right hon. Gentleman—he meant the Municipal Corporation measure; and, suppose the right hon. Gentleman had carried a resolution declaring the inexpediency of establishing Municipal corporations in Ireland, and that their existence was dangerous to the Protestant Church, and had afterwards come forward most generously to assist the Government in a measure respecting the Municipal Corporations, he would ask the right hon. Gentleman whether it would have been just, generous, wise, or statesmanlike, for the Government to say to him they would not take his measure, but that he must first rescind his resolutions, humble himself in the dust, lose his character as a public man, and degrade himself in the face of the country? He would put this as an analogous case. It was the same, except that the right hon. Gentleman fortunately had not carried his resolution, but the Government had had the benefit of carrying theirs. The right hon. Gentleman had referred to one observation which he had made on a former occasion, which was perfectly correct. He had then said to the right hon. Gentleman, that it would have been more direct and more manly to move that the resolution be rescinded, because the bill on the table at that time involved the appropriation clause; and if the present resolutions had involved that clause too, he should not have objected to the amendment which the hon. Baronet had proposed. But as it did not involve that principle, this motion had been brought forward for the purpose of trying party strength. The right hon. Gentleman had given them the history of the case, and had endeavoured to show to the House, that since the year 1835 the impediment to the settlement of the Irish Tithe Question had been the appropriation clause. But the right hon. Gentleman had neglected to mention what had occurred in the course of the preceding year. The House, however, would not fail to remember what took place with reference to that question in that year. A bill had been framed in 1834 for the settlement of the question, which had been sent up to the House of Lords, but which did not contain an appropriation clause; and yet the very party who now in supporting the motion of the hon. Baronet, professing to ground their opposition to the measures which had been offered by Government solely on the presence of that principle, were the very same party who in 1834 rejected that measure on other grounds, although it did not contain the obnoxious principle. The bill was moved in the House of Lords by Lord Melbourne, and yet now the suggestion was, that her Majesty's Government did not sufficiently exert themselves to carry it. But he would say, that if ever there was a measure on which the Government put forth the whole of its strength, it was the measure of 1834. Hon. Members had used the words, and the right hon. Member for Tamworth had adopted the expressions, for which he begged to thank the right hon. Gentleman, that the appropriation clause with all that belonged to it was got up for the purpose merely of effecting a change of Government. This he denied. But, supposing it was so, did hon. Gentlemen opposite think there was anything more politically dishonest in getting up, as they called it, a resolution, than in getting up a motion to rescind a resolution? But this charge he should show the House from incontrovertible evidence—the evidence of a Member of that House, was not only not true, but quite the reverse of the truth. The witness he should call into court was the hon. Member for Warwickshire, the seconder of this motion, and his evidence was contained in a letter written to his constituents on the 12th of June, 1834. In that letter the hon. Baronet said—"I must say, I think, that as a Commission of Inquiry respecting the Irish Church has been issued, and as promises had been made by Ministers that the surplus revenues of the Church, if any, should be applied to the education of te people of Ireland, to make such application would be giving tenfold security to the Church Establishment in that country." Here were the sentiments of a Gentleman who had come forward as seconder of the present motion. Yet now they were told, that the promises to which the hon. Baronet referred in his letter had been made on an occasion when a "compact alliance" was entered into, and in order to purchase the support of an hon. and learned Gentleman and his friends who was at that time in direct hostility to the Government. Why there never was afforded by any preponderance of evidence a more complete refutation of any story than this had received. But he should be asked this question—as the resolutions do not contain the principle of appropriation, why not agree to rescind them? Now, to this he replied, that he would not consent to rescind those resolutions for two reasons—first because he felt that such a step would involve debasement and loss of character on the part of any set of men who could take it; and secondly, because in voting to rescind them he should vote against his own firm conviction; for he had already repeatedly affirmed, and he would again assert, the principle of the appropriation of the surplus funds of the Irish Church to the purposes of education. His opinion ever had been, and was still, in favour of that great principle. But if he could obtain the concurrence of the party, on the other side, he should be happy to make such concessions pointed out by his noble Friend the Secretary for the Home Department, as might lead to a practical settlement of the question, on a firm and permanent basis. But it was plainly one thing that he should be ready to deny a proposition which he thought to be true; and another, that he should be prepared to make all fair, and just, and reasonable concessions to hon. Gentlemen opposite. He would say, therefore, that though he thought the present not the best arrangement possible, yet that it was the best arrangement which circumstances would permit to be made. But how did his noble friend propose that arrangement? Why, as an experiment; and he added, that he had no hope of its proving effectual, unless attended with very general assent. The noble Lord, in a most frank, and he would say, a most generous spirit, had laid down a proposition, which he hoped, though it somewhat differed from that which he considered to be best and most desirable, might still lead to a successful issue. Now, on this point, he must say, that the right hon. Gentleman mistook entirely the position of her Majesty's Government, if he thought that, for the sake of any convenience to themselves, they would submit to take a step which could not fail to bring down upon them degradation and disgrace; but in the eagerness which had been shewn by hon. Gentlemen opposite, to degrade and disgrace her Majesty's Government, and the party who acted with them, those hon. Gentleman had come down, and proposed this motion to the House. With what other conceivable object was this motion put forward? Hon. Gentlemen opposite knew it was open to them to legislate upon the subject with that resolution on the journals. The noble Lord, the Member for North Lancashire, had made use of a phrase, in speaking on this subject, on a former occasion, which he certainly thought was a perfectly right and proper phrase, but for which the noble Lord had been previously and often called to account since—the noble Lord had spoken of the "total extinction of tithes in Ireland," and the House would recollect the interpretation which the noble Lord was told at the time it would meet with, and upon recalling that expression, and the circumstances in which it was made, how little would most men conceive that the noble Lord could possibly be one of those who now said to the Government, "We will not consent to come to any terms on this the question of tithes in Ireland, until you consent to rescind the resolutions, pledging you to a certain line on the subject, and thus to degrade yourselves for ever in the eyes of the country and the world. The noble Lord had put his argument with the clearness that belonged to him, into the form of a dilemma, and he therefore would take the liberty of putting his argument in another dilemma. Did their resolutions involve the appropriation principle or not? If they did, he thought the amendment ought to have been on the resolutions. If they did not, then he thought the amendment was wholly unnecessary, and that it was introduced for party purposes, and only for party purposes. But with regard to another point, the right hon. Gentleman opposite had misconceived the sentiments of the Government, if he thought that they expected to effect the tranquilization of Ireland, by adhering to the appropriation clause: they had expected to attain that most desirable result from the measure which they had brought forward for Municipal Corporation Reform, from mutual concessions on each side in both Houses of Parliament, and from a variety of well-conceived measures. It was with these views that they had heard, with the greatest satisfaction, the expectations held out by a noble Duke in another place—expectations to which they had attached an interpretation, which involved a greater degree of concession than it now appeared, the right hon. Baronet was willing to admit. However, the plan of Government was briefly this; having paid to the clergy the whole amount of their income on the one hand, Government would receive the rent-charge on the other, and this, which would thus become a part of the established revenue of the state, would be applied, subject to the necessary deductions, to the various branches of the public service connected with Ireland. This was their principle, and he must say, he felt it a consolation, that the question should be brought to a direct issue; he felt consolation too from the declarations of hon. Gentlemen, even of those who were opposed altogether to the appropriation principle, that they consider the proposition of the hon. Baronet, for rescinding resolutions of 1835, which affirm that principle as totally distinct from a proposition for reaffirming those resolutions. They said, that the motion was introduced for the purposes of party, and with what other view it could be pretended, with any probability of engaging conviction, to have been brought forward, he was at a loss to conceive. But on the subject of the clergy of Ireland, the right hon. Baronet had not dealt fairly with the observations of his noble Friend, the Secretary for the Home Department. The noble Lord said, with respect to a particular body of clergy, in one diocese, and grounding his remarks on the terms of a particular petition proceeding from that body, that it involved most erroneous suppositions, and fanciful anticipations of the operation of the plan which her Majesty's Ministers had in view, for the payment of the clergy in Ireland; but the noble Lord had never drawn any conclusion from these persons, to the whole body of the clergy of Ireland. He had fairly, and with perfect right, passed some strictures on the language of those particular petitioners. That Irish clergy were badly represented by those who put themselves prominently forward as its supporters. It would be most important hereafter to recollect, if no hope of a settlement of this question was left, that they had the authority of the Member for North Lancashire to maintain, that the clergy were satisfied with their condition; that it would be a sacrifice, on their parts, if any adjustment were made; and if the Government, from the impossibility of carrying any measure, should allow matters to remain as they are, the noble Lord must not taunt them with having deserted the clergy, but bear in mind, that he himself declared, that nine-tenths of the clergy wished for no legislation whatever on this subject. He was unwilling, that that should be the solution of this question; he wished it to be settled; but he asserted, if there was no prospect of an amicable arrangement in that House or the other, let it be borne in mind, that it was the suggestion of the noble Lord, not recommended by himself, but stated on the part of the clergy of Ireland, that they wish to remain precisely as they are without any legislative interference to disturb their condition. He was glad, that the noble Lord had made this declaration, because it might justify one of the alternatives which the course taken by hon. Members opposite might force upon them. They had brought forward these resolutions in good faith and in a kindly spirit. They knew they should be attacked in a friendly manner, no doubt, by such supporters as the hon. Member for Sheffield for their abandonment of the appropriation clauses; but they were willing to encounter such taunts, and much more if they could bring this question to a settlement; and but for the mischievous motion of the hon. Baronet—from whom of all men, it most surprised him that it should come—there was a chance of discussing, in an amicable and friendly spirit, that arrangement which was now completely set aside. Hon. Gentlemen opposite wished it to be understood that anger and asperity were altogether placed out of their consideration, and yet the right hon. Baronet, their leader, declared, that he knew the proposition made by the hon. Baronet was one in which the Government could not acquiesce. Was that the way to the amicable settlement which they professed? If they wished to fight the battle of principle on the resolutions, why not have taken issue on them? But that would not do, that would not answer the object, he would not say of the hon. Baronet (Sir T. Ackland), for his motives were, he was sure, perfectly pure and unimpeachable, but it would not answer the intention of those who drank "Success on Monday". If a course were to be taken to deprive Parliament of an opportunity of calm legislation, Ireland of a chance of peace, and to shut out all hope of reconciling the two Houses of the Legislature, now in so discordant and disunited a condition, that course would be no other than that adopted by the hon. Baronet—that which the Conservative party, as they called themselves, pursued. Conservatives of what? Of confusion and riot. He said boldly, that be the individual who he may, or the party what it might, who intercepted and prevented the adjustment of this question by raising a party discussion for party objects, on those individuals must rest the responsibility of the diminution in the means for the support of the clergy, of improving their usefulness, and of protracting that disunion which had already led to such awful effects. He was not disposed to re-argue the resolutions of 1835, which they were driven to re-affirm by the indirect means taken to rescind them in the Parliament of 1838. It was the hon. Gentlemen opposite who had called forth those topics of dissension, most appropriately if their object was to prevent a just settlement of this question; but if they really were the friends of peace—if they were the real friends to that Church of which they assumed to be champions, the opposite course was that which they should have taken. They ought to have been contented to go into Committee—to adopt those parts of the Government plan of which they approved, and to reject those which they condemned; but still they should have undertaken the inquiry in a spirit of good will, peace, and candour, instead of introducing into the discussion all the most angry passions, all the most formidable divisions, and doing what Mr. Plunkett once said in that House was the greatest of all dangers—"chaining men to opinions which practically they were disposed to abandon." Well, had Gentlemen opposite any great triumph from that expression? He had said no more than the resolutions; the Ministers were ready to take the second best, instead of the best; but they would never be so base or false as to put a negative on their own resolutions, which they believed in their consciences to be founded in nothing but what was just. If the noble Lord opposite had, on some occasion, said, "Abandon your resolutions, they have served your purpose sufficiently well, and now that you have no use for them, fling them aside:" would not such a course, if adopted, have exposed the Government to just obloquy and condemnation? No; they held to the resolutions, although if those opposed to them made a proper concession, they would found no measure on their principle, and would never taunt them with having altered their opinions, or move any preliminary resolutions on the subject of municipal corporations, being satisfied with having secured a practical object, and not wishing to introduce into these discussions the asperities and heats which had characterised that debate.

The House divided on the original question—Ayes 317; Noes 298: Majority 19.

List of the AYES.

Abercromby, G. R.
Acheson, Lord
Adam, Sir C.
Aglionby, H. A.
Aglionby, F.
Ainsworth, P.
Alston, Rowland
Andover, Lord
Anson, Colonel
Anson, Sir G.
Archbold, R.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Ball, N.
Bannerman, Alex.
Barnard, E. G.
Barron, H.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Benett, J.
Bentinck, Lord W.
Berkeley, hon. H.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Bodkin, J.
Bowes, J.
Brabazon, Lord
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, E.
Bulwer, E. L.
Busfield, W.
Butler, hon. P.
Byng, G.
Byng, G. S.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Carnac, Sir J.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hn. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M. L.
Chester, H.
Chetwynd, Major
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clayton, Sir W.
Clements, Viscount
Clive, E. B.
Codrington, Sir E.
Collier, J.
Collins, W.
Colquhoun, Sir J.
Craig, W. G.
Crawford, W.
Crompton, Samuel
Currie, Raikes
Curry, W.
Dalmeny, Lord
Dashwood, G. H.
Davies, T. H.
Denison, W. J.
Dennistoun, J.
D'Eyncourt, C. T.
Divett, E.
Duckworth, S.
Duff, J.
Duke, Sir J.
Duncan, Lord
Duncombe, T.
Dundas, C. W. D.
Dundas, Captain D.
Dundas, F.
Dundas, hon. J. C.
Dundas, hon. T.
Easthope, J.
Ebrington, Lord
Edwards, Colonel
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, E.
Erle, W.
Etwall, Ralph
Evans, Sir De Lacy
Evans, G.
Evans, W.
Fazakerley, J. N.
Fenton, J.
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, R.
Fergusson, rt. hon. R. C.
Finch, F.
Fitzgibbon, hon. R.
Fitzroy, Lord C.
Fleetwood, P. H.
Fort, John
French, F.
Gillon, W. Downe
Gordon, R.
Goring, H. D.
Grattan, J.
Grattan, H.
Greenaway, C.
Grey, Sir C. E.
Grey, Sir G.
Grosvenor, Lord R.
Grote, G.
Guest, J.
Hall, B.
Hallyburton, Lord
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Heron, Sir R.
Hill, Lord A. M.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howard, R.
Howick, Viscount
Hume, J.
Humphrey, J.
Hurst, R. H.
Hutt, W.
Hutton, R.
James, W.
Jephson, C. D.
Jervis, J.
Jervis, S.
Johnson, General
Labouchere, H.
Lambton, H.
Langdale, hon. C.
Lefevre, C. S.
Lemon, Sir C.
Leveson, Lord
Lister, E. C.
Loch, J.
Lushington, Dr. S.
Lushington, C.
Lynch, A. H.
M'Leod, R.
Macnamara, Major
M'Taggart, J.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. Fox
Maule, W. H.
Melgund, Viscount
Mildmay, St. P. J.
Milton, Viscount
Moreton, hon. A. H.
Morpeth, Lord
Morris, D.
Murray, rt. hon. J.
Muskett, G. A.
Nagle, Sir R.
O'Brien, W. S.
O'Brien, C.
O'Callaghan, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Connell, Maurice
O'Ferrall, R. M.
Ord, W. H.
Paget, Lord A.
Paget, F.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parnell, Sir H.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain R.
Pendarves, E. W.
Philips, Sir R.
Philips, M.
Philips, G. R.
Phillpots, J.
Pinney, W.
Ponsonby, C. F. A.
Ponsonby, hon. J.
Potter, R.
Power, J.
Power, John
Price, Sir R.
Protheroe, E.
Pryme, G.
Pryse, Pryse
Pusey, P.
Ramsbotton, J.
Redington, T. N.
Rice, E. R.
Rice, rt. hon. T. S.
Rich, H.
Rippon, Cuthbert

Roche, E. B.
Roche, W.
Roche, D.
Rolfe Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord John
Russell, Lord
Russell, Lord C.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheil, R. L.
Shelburne Earl
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, hon. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W.
Spiers, A.
Spencer, hon. F.
Standish, C.
Stanley, W. M.
Stanley, W. O.
Stansfield, W. R. C.
Staunton, Sir G.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talbot, C. R. M.
Talbot, J. H.
Talfourd, Serg.
Tancred, H. W.
Thomson, C. P.
Thornely, T.
Townley, R. G.
Troubridge, Sir
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, Sir R. H.
Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Weymss, Capt.
Westenra, H. R.
Westenra, J. C.
White, A.
White, L.
White, S.
Wilbraham, G.
Wilde, Sergeant
Wilkins, W.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Woulfe, Sergeant
Wrightson, W.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the Noes.

Acland, Sir T.
Acland, T. D.
A'Court, Captain
Adare, Lord
Alford, Lord
Alsager, Captain
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, H. D.
Baker, E.
Baring, F.
Baring, W. B.
Barneby, John
Barrington, Lord
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackbourne, I.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blandford, Marquess
Blenerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, Henry
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Burdett, Sir F.
Burr, H. D.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Canning, rt. hn. Sir S.
Cantalupe, Lord
Cartwright, W. R.
Castlereagh, Viscount
Chandos, Marquess of
Chapman, A.
Chisholm, A. W.
Chute, W. L. W.
Clerk, Sir G.
Clive, Viscount
Clive, hon. R. H.
Codrington, C. W.
Cole, A. H.
Cole, Visct.
Colquhoun, J. C.
Compton, H. C.
Conolly, E. M.
Coote, Sir C.
Copeland, W. T.
Corry, H.
Courtenay, P.
Cresswell, C.
Crewe, Sir G.
Cripps, J.
Dalrymple, Sir A.
Damer, D.
Darby, G.
Darlington, Earl
Davenport, John
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, Abel Rouse
Douglas, Sir C. E.
Douro, Marquess
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Ellis, J.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Farrand, R.
Fector, J. M.
Feilden, W.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Forrester, hon. G.
Fox, G. L.
Freshfield, J.
Gaskell, Jas. Milnes
Gibson, T.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, hon. Capt.
Gore, Ormsby J. R.
Gore, Ormsby, W.
Goulburn, rt. hon. H.
Graham, Sir J.
Granby, Marquess of
Grant, hon. Colonel
Greene, T.
Grimsditch, T.
Grimston, Lord
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Sir H.
Hawes, T.
Hayes, Sir E. S.
Heathcote, Sir W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J C
Hill, Sir R.
Hillsborough, Lord
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. Weir
Holmes, hon. W. A.
Holmes, W.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houston, G.
Howard, W.
Hughes, W. B.
Hurt, F.
Ingestrie, Lord
Ingham, Lord
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C,
Jenkins, R.
Jermyn, Earl of
Johnstone, Hope
Jones, J.
Jones, T.
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Kerr, D.
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, hon. W.

Law, hon. C.
Lefroy, T.
Liddell, H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Lowther, Colonel
Lowther, Lord
Lowther, J. H.
Lucas, E.
Lygon, General
Mackenzie, T.
Mackenzie, W. F.
Maclean, Donald
Mahon, Lord
Maidstone, Viscount
Manners, Lord C.
Marsland, T.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maunsell, T. P.
Maxwell, H.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Moneypenny, T. G.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, J.
Neeld, J.
Nicholl, J.
Norreys, Lord
Northland, Viscount
O'Neil, General
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Packington, G. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, Colonel J.
Pemberton, T.
Perceval, Colonel
Perceval, G. J.
Pigot, R.
Planta, J.
Polhill, F.
Pollen, Sir J.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Lord
Praed, W. M.
Price, R.
Pringle, A.
Rae, Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
St. Paul, H.
Sanderson, R.
Sandon, Lord
Scarlett, hon. J. Y.
Shaw, F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, Abel
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S.
Stanley, E.
Stanley, Lord
Stewart, J.
Stuart, H.
Stormont, Lord
Sturt, H. C.
Sugden, Sir E.
Teignmouth, Lord
Tennent, J. E.
Thomas, Col. H.
Thompson, Alderman
Thornhill, G.
Trench, Sir F.
Trevor, hon. G.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Lord
Vivian, J. E.
Waddington, H. S.
Wall, C. B.
Walsh, Sir J.
Welby, G. E.
Whitmore, T. C.
Wilbraham, H. B.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Colonel T.
Wood, T.
Wyndham, W.
Wynn, rt. hon. C. W.
Wynn, Sir W. W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T. W.
Baring, H. B.

Pairs.

Baring, F. T.	Conyngham, Lord A.
Buller, C.	Dunlop, J.
Ellice, E.	Tollemache, T. J.
Fitzpatrick, J. W.	Christophers R. A.
Fitzsimon, N.	Alexander, Lord
O'Connor, Don	Tyrrell, Sir J.
White, H.	Dungannon, Lord
Plumptre, J. P.	Campbell, Sir H. P.
Hope, J.	Cooper, E. J.

Absent.

Cowper, W.
Euston, Lord
Feilden, J.
Fitzalan, Lord
Jones, W.
Heathcote, Sir S.
Heathcote, G.
Kinnaird, A.
Langton, Col. Gore
Leader, J. T.
Lennox, Lord S.
Lennox, Lord A.
Long, W.
Mackinnon, W. A.
Martin, J.
Molesworth, Sir W.
Noel, W.
Surrey, Lord

For the Amendment	300
Against the Amendment	319
Pairs	18
Absent	18
Speaker	1
Vacant: St. Ives, Gloucester	2
	658

The House went into Committee, *pro forma*, and immediately resumed.

Committee to sit again.

HOUSE OF COMMONS,

Wednesday, May 16, 1838.

Minutes.] Petitions presented. By Mr. Hodges, from Southampton and other places, for Amendment of the Poor-law system.—By Mr. Scholefield, from the Town Council of Birmingham, by Mr. Divett, from Exmouth, and by Sir James Graham, from a place in Cumberland, for the Immediate Abolition of Negro Slavery.—By Mr. Wallace, from Ayr, and other places, praying for a reduction of Postage; also from the Pressmen of Mr. Moyes's Printing Establishment, in Castle-street, Leicester-square, against the Copyright Bill.—By Mr. Hume, from Blackrock, in the Diocese of Ossory, for the Abolition of Tithes, and the reduction of the Church Establishment in Ireland.

Small Debts (Scotland.)] Sir *W. Rae* moved the order of the day for the House to resolve itself into a committee on the Small Debts (Scotland) Bill.

Mr. *Wallace* opposed the motion. The jurisdiction at present worked well, and he was against raising it. He objected also to the division of counties into districts, because the judges might then delegate their power to clerks of the courts and others. It was a prevalent and vicious practice for clerks of the courts to be the legal advisers of the parties. The hon. Mover must know the incompetence of the Scotch justices of the peace to do the duty which he proposed to impose upon them. He would move, as an amendment, that the bill be committed on that day six months.

Amendment withdrawn.

House went into committee.

The *Lord Advocate* moved an amendment on the second clause, the effect of which was to leave the amount of the jurisdiction as it at present stood at 5*l.*, instead of raising it, as proposed in the bill, to 8*l.* 6*s.* 8*d.*

The Committee divided on the original clause:—Ayes 60; Noes 40: Majority 20.

List of the Ayes.

Acland, T. D.
Arbuthnot, hon. H.
Bagge, W.
Bailey, J.
Baillie, Colonel
Blackstone, W. S.
Blair, J.
Boldero, H. G.
Broadley, H.
Brownrigg, S.
Burrell, Sir C.
Chandos, Marquess of
Clerk, Sir G.
Cole, Viscount
Dalrymple, Sir A.
Eastnor, Viscount
Egerton, W. T.
Ellis, J.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Fitzroy, hon. H.
Fleming, J.
Forester, hon. G.
Gaskell, J. M.
Gordon, hon. Captain
Gore, O. W.
Graham, rt. hon. Sir J.
Grimsditch, T.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Henniker, Lord
Hepburn, Sir T. B.
Herries, rt. hon. J. C.
Hinde, J. H.
Hodgson, R.
Holmes, R.
Houstoun, G.
Hughes, W. B.
Jones, J.
Lockhart, A. M.
Mackenzie, T.
Meynell, Captain
Morgan, C. M. R.
Nicholl, J.
Parker, R. T.
Perceval, hon. G. J.
Rolleston, L.
Round, C. G.
Round, J.
Sheppard, T.
Sinclair, Sir G.
Somerset, Lord G.
Stewart, J.
Stuart, V.
Verner, Colonel
Waddington, H. S.
Wood, T.
Wynn, rt. hon. C. W.
Yorke, hon. E. T.

TELLERS.
Rae, Sir W.
Pringle, A.

List of the Noes.

Abercromby, hn. G. R.
Aglionby, H. A.
Aglionby, Major
Alston, R.
Archbold, R.
Barnard, E. G.
Barry, G. S.
Brotherton, J.
Campbell, Sir J.
Chalmers, P.
Collier, J.
Courtenay, P.
Craig, W. G.
Davies, Colonel
Dennistoun, J.
Duff, J.
Elliot, hon. J. E.
Fort, J.
Hall, B.
Hector, C. J.
Hume, J.
Hutton, R.
Lister, E. C.
Lushington, C.
Macleod, R.
Murray, rt. hon. J. A.
O'Brien, C.
Parrott, J.
Pechell, Captain
Scholefield, J.
Smith, B.
Stanley, E. J.
Stewart, J.
Thornely, T.
Vigors, N. A.
Villiers, C. P.
Wallace, R.
Warburton, H.
Wemyss, J. E.
Williams, W.

TELLERS.
Maule, hon. F.
Gillon, W. D.

Clause agreed to.

Mr. *Wallace* moved, on the third clause, that it be taken into consideration that day six months.

The Committee divided again on the original motion:—Ayes 75; Noes 14: Majority 61.

List of the Ayes.

Abercromby, hn. G. R.
Aglionby, H. A.
Alston, R.
Arbuthnot, hon. H.
Archbold, Robert
Bagge, W.
Bailey, J.
Baillie, Colonel
Barrington, Viscount
Blackstone, W. S.
Blair, J.
Boldero, H. G.
Broadley, H.
Brotherton, J.
Brownrigg, S.
Burrell, Sir C.
Campbell, Sir J.
Chandos, Marquess of
Cole, Viscount
Courtenay, P.
Craig, W. G.
Dalrymple, Sir A.
Davies, Colonel
Duff, J.
Eastnor, Viscount
Egerton, W. T.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Fitzroy, hon. H.
Fleming, J.
Forester, hon. G.
Gaskell, J. Milnes
Gordon, hon. Captain
Gore, O.
Graham, rt. hn. Sir J.
Grimsditch, T.
Hall, B.
Hawkes, T.
Henniker, Lord
Hepburne, Sir T. B.
Hinde, J. H.
Hodgson, R.
Holmes, W.
Houston, G.
Hughes, W. B.
Jones, J.
Lefroy, rt. hon. T.
Lister, E. C.
Lockhart, A. M.
Mackenzie, T.
Macleod, R.
Maule, hon. F.
Morgan, C. M. R.
Murray, rt. hn. J. A.
Nicholl, J.
Parker, R. T.
Perceval, hon. G. J.
Rae, rt. hon. Sir W.
Rolleston, L.
Round, G. G.
Round, J.
Scholefield, J.
Sheppard, T.
Sinclair, Sir G.
Somerset, Sir G.
Stanley, E. J.
Stewart, J.
Stewart, J.
Verner, Colonel
Waddington, H. S.
Warburton, H.
Wood, T.
Wynn, rt. hon. C. W.
Yorke, hon. E. T.

TELLERS.
Clerk, Sir G.
Pringle, A.

List of the Noes.

Aglionby, Major
Chalmers, P.
Dennistoun, J.
Hector, C. J.
Hume, J.
Lushington, C.
Parrott, J.
Pechell, Captain
Smith, B.
Thorneley, T.
Vigors, N. A.
Villiers, Charles P.
Wemyss, J. E.
Williams, W.

TELLERS.
Wallace, R.
Gillon, W. D.

On clause 18,

Mr. *Chalmers* moved, that it be omitted, because he thought it gave too great a power to the magistrates presiding in the small courts.

The Committee divided on the original motion:—Ayes 55; Noes 10: Majority 45.

List of the Ayes.

Abercromby, hn. G. R.
Alston, R.
Arbuthnot, hon. H.
Bagge, W.
Barrington, Viscount
Blackstone, W. S.
Blair, J.
Boldero, H. G.
Broadley, H.
Brownrigg, S.
Campbell, W. F.
Chandos, Marquess of
Codrington, C. W.
Cole, Viscount
Courtenay, P.
Craig, W. G.
Darby, G.
Davies, Colonel
Duncombe, hon. W.
Duff, J.
Eastnor, Viscount
Estcourt, T.
Estcourt, T.
Fitzroy, hon. H.
Forester, hon. G.
Fremantle, Sir T.
Gaskell, J. M.
Gordon, hon. Captain
Graham, rt. hn. Sir J.
Grimsditch, T.
Hawkes, T.
Hepburn, Sir T. B.
Houston, G.
Hughes, W. B.
Hume, J.
Lister, E. C.
Lockhart, A. M.
Mackenzie, F.
Mackenzie, W. F.
Macleod, R.
Maule, hon. F.
Nicholl, J.
Pakington, J. S.
Parker, R. T.
Perceval, hon. G. J.
Rae, rt. hon. Sir W.
Richards, R.
Rolleston, L.
Round, C. G.
Sinclair, Sir G.
Smith, B.
Somerset, Lord G.
Wood, T.
Wynn, rt. hon. C. W.
Yorke, hon. E. T.

TELLERS.
Clerk, Sir G.
Pringle, A.

List of the Noes.

Aglionby, H. A.
Aglionby, Major
Chalmers, P.
Dennistoun, J.
Pechell, Captain
Stewart, J.
Thorneley, T.
Vigors, N. A.
Warburton, H.
Wemyss, J. E.

TELLERS.
Wallace, R.
Gillon, W. D.

Remaining clauses agreed to; the House resumed; and the bill, as amended, was ordered to be printed.

HOUSE OF LORDS,

Friday, May 18, 1838.

Minutes.] Petitions presented. By the Earl of Haddington, from two places in the county of Donegal, against the system of National Education (Ireland).—By the Earl of Roden, from places in Armagh, and from the Masters and Wardens of the Corporation of Weavers of Dublin, by the Marquess of Clanricarde, from the county of Galway, and from the county of Leitrim, and by the Marquess of Headfort, from Cavan, against the Poor Relief (Ireland) Bill.—By the Marquess of Sligo, from places in Northumberland, from Sheffield, Barnard Castle, Wesleyan Methodists of Maple Durham, Colchester, and various other places, and from the General Baptists of Lombard-street Chapel, London, by the Earl of Albemarle, by the Duke of Rutland, by the Marquess of Lansdowne, from various places, by the Duke of Cleveland, from the Anti-Slavery Society of Durham, and from a place in the county of Durham, by Lord Ashburton, from the Town-council of Devonport, and from a place in the county of Ross, by Lord Brougham, from Glasgow, Carlislé, Aberdeen, Manchester, Dublin, Stockport, Birmingham, Leeds, Portsmouth, Derby, Bath, Belfast, North Shields, and from the counties of Hereford, Fife, Stafford, Northumberland, Cumberland, Westmoreland, York, Lancaster, Northampton, Worcester, Norfolk, Somerset, Hants, Devon, Suffolk, Huntingdon, Middlesex, Ayr, Banff, Elgin, Forfar, and a great number of other places, by the Marquess of Clanricarde, several, and by the Marquess of Bute, from Luton (Bedfordshire), for the immediate Abolition of Negro Apprenticeship.—By Lord Brougham, several, from places in Scotland and Yorkshire, against additional endowments to the Church of Scotland; by the Earl of Aberdeen, from Edinburgh and from another place in Scotland, in favour of granting further endowments.—By the Earl of Kinnoul, from procurators of Perth, in favour of the Sheriff's Court (Scotland) Bill.—And by Lord Ashburton, from the vicar and churchwardens of Wynford, for the better Observance of the Sabbath.

HOUSE OF COMMONS,

Friday, May 18, 1838.

Minutes.] Petitions presented. By Mr. Cayley, from Westmoreland, Whitby, Richmond, and other places, by Colonel Weymss, from various places in the county of Fife, by Major Aglionby, from various places in Cumberland, and by Mr. Pease, from a great number of places in Durham and Glocester, and by Colonel Davies, from Worcester, for the Abolition of Negro Apprenticeship.—By Sir E. Filmer, from the churchwardens of a parish in Kent, for a reduction in the rates of Postage.—By Colonel Weymss, twelve, from places in the county of Fife, against further endowment to the Church of Scotland.—By Mr. Warburton, from 150 London solicitors and attornies, from Bridport, and from two printing-offices in London, in favour of a low and uniform rate of Postage.—By Colonel Butler, from a place in the county of Kilkenny, to be relieved from the payment of Tithes.—By Sir E. Hayes from a place in the county of Donegal, against the system of education in Ireland.—By Lord W. Bentinck, from Glasgow, in favour of a reduction in the rates of Postage.—By Sir R. Inglis, from the University of Oxford, against the proposition for leasing of Church lands and the arrangement of ecclesiastical duties; and to the same effect from the dean and chapter of Windsor, and from the dean and chapter of the collegiate church of St. Peter's, Westminster.—And by Sir R. Peel, four, from printing-offices in London, against the Copyright Bill.

Canada.] Mr. *Hume* wished to ask the noble Lord a question which he considered one of very great importance. He wished to know the condition of Upper and Lower Canada at this time, and whether it was civil law or military law, that was enforced there. He understood, that persons had been tried for high treason by the ordinary courts of justice in Montreal and in Upper Canada, and yet it was stated, that military law was still existing there. He must also ask, and he did so regretting the necessity of it, whether there were any objection to there being laid on the table, copies of the instructions given to Sir George Arthur on his proceeding to Canada, as by a document which he held in his hand it appeared, that on the 12th of last month, since the arrival of that officer, two persons had been executed for treason; that six others had been ordered for execution on the 24th, and four others on the 27th. He had also seen a letter in *The Times*, which stated, that since the execution of the two men, a petition had been sent up to the Executive Council to stay the hands of the executioner in the other cases, and, that Sir George Arthur, with a spirit of mercy which was essential to good government, had been pleased to grant the prayer of it. He wished to know what the state of those unfortunate provinces was, as far as the noble Lord felt himself justified in communicating it.

Lord *J. Russell* did not know, that he could give precise answers to these questions. As to the state of Upper and Lower Canada, he could say, that there had been certain acts passed by the Legislature of Upper Canada prescribing certain modes of trial, according to which persons charged with treason were to be tried, but there had not been received at the Colonial-office copies of those acts. There had, however, been received despatches from Sir George Arthur, stating, that two persons had been tried for high treason before the ordinary tribunals, but he had received no intimation of their having been executed. As to the other cases, he believed, they rested only on rumour. The instructions, that had been issued to Sir George Arthur were conformable to what he had stated in the House, and he had no objection to produce them.

Mr. *Hume* asked whether or not the men had been tried by an *ex post facto* law?

Sir *G. Grey* said, that no despatches had yet been received as to that fact.

Mr. *Hume* said, what he wished to know was, whether military or civil law was the law enforced?

Lord *J. Russell* said, that the province of Lower Canada had been placed under military law by Lord Gosford, and, that Sir J. Colborne, on assuming the government, had continued it. He had no doubt, however, that it had since been removed, although no distinct intelligence had been received respecting it.

Mr. *Maclean* said, he did not clearly understand the noble Lord opposite (Lord J. Russell), whether he objected to laying on the table a copy of the instructions to Sir George Arthur.

Lord *J. Russell* had no objection to their being produced.

Mr. *Maclean* had understood the question of the hon. Member for Kilkenny to apply generally to the instructions with reference to Canada; and the question which he wished now to put was, whether as Lord Durham had sailed, there would be any objection to lay on the table a copy of the instructions which he had received?

Lord *J. Russell* could not consent to it.

TITHES AND CORPORATIONS (IRELAND).] Sir *F. Burdett* wished to know whether the noble Lord (J. Russell) would proceed on Monday with the Irish tithe resolutions?

Lord *J. Russell* would merely state the course he meant to pursue without making any comment, reserving to himself the power of making afterwards any explanation that might be necessary. The course he meant to adopt was this—not to bring forward the committee on Irish tithes on Monday, but to proceed to the consideration of the Municipal Corporations of Ireland Bill. In stating, that he did not mean to take the Irish tithes on Monday, he had no intention to abandon the proposition of going into committee on this question, but only to postpone it until the Monday following, and if the Committee on the municipal corporations had not finished by that day, he proposed to go into the committee on the Irish tithes, and to propose only one resolution, for changing the tithe composition now paid, into a rent-charge, payable by the first owners of the inheritance. If that resolution were agreed to, he should move, that it be reprinted, and that that alone would form the basis of a measure which he proposed to bring forward, except as to the arrears of the 1,000,000*l.*, which had not yet been paid.

Sir *R. Peel* said, that any announcement on this subject was of importance; but he was afraid he imperfectly understood the nature of the noble Lord's proposition. He did not ask the noble Lord to give him any more detailed explanation but the noble Lord must feel, that it was impossible for any person standing in his (Sir R. Peel's) situation, after what had taken place, to take any satisfactory course on any one of these matters without a previous consultation with those Members who entertained the same opinions as himself. The noble Lord now, for the first time, said he intended to reverse the order of their proceedings, and should take the Municipal Corporations first. The noble Lord was perfectly master of the course he should pursue; but he trusted, that the noble Lord would permit a sufficient interval to elapse to allow an opportunity of deliberation for those with whom he (Sir R. Peel) acted. He hoped, therefore, that the noble Lord would postpone entering into committee on the Municipal Corporations bill at least until Friday next, so that he and those acting with him, might have time for deliberation.

Lord *J. Russell* said, that of course a request of this kind, as to a delay of three or four days for consideration, was one which he should be most unwilling to refuse. He would not, therefore, propose to go into committee on Monday, but postpone it until Friday, reversing, therefore, the order by not going into the Irish Tithes on Monday, and by bringing forward the Municipal Corporations first. The right hon. Gentleman said he did not clearly understand what he (Lord J. Russell) had stated. What he had stated was this — that after the House had gone through committee on Irish Municipal Corporations, that then he purposed not to defer or postpone any consideration as to Tithes, but to propose a measure solely consisting in this—that the tithe composition at present existing should be changed into a rent charge. He did not yet know whether the particular amount would be stated in the resolution.

Sir *R. Peel*: Then I understand, that the measure will be limited to the conversion of tithe composition into a rent charge, and be disencumbered of the redemption clause? [Lord *J. Russell*: Yes]. He would meet, that concession in the same spirit with which it was made, and should reserve to himself an unfettered course on Friday. He had proposed a delay only for deliberation, but if he took a course on Friday which required a full attendance of the House, he should feel himself bound to give due notice to the noble Lord of his intention, so as to prevent any unfair advantage.

THE BUDGET.] The House resolved into Committee of Supply.

The *Chancellor of the Exchequer* must, he said, in the execution of his duty, crave the attention of the Committee to the statement he was about to make, promising to be as brief as circumstances would permit—as clear as the subject and his intellect would enable him to be—and undoubtedly as sincere as he ought to be in dealing with a matter of so much importance. There was no Gentleman whom he had the honour of addressing who must not be aware, from the papers laid before the House, what were the prospects of the present year, and what had been the state of the public revenue and expenditure in the last year. There was nothing in that state to create any degree of permanent apprehension, yet, at the same time, there was undoubtedly much which must be for the time a matter of regret. The past year had been, as hon. Gentlemen knew, a year of increased expenditure and diminished receipt, and the result was that which appeared on the balance-sheet—viz., a considerable deficiency at the present moment in the public revenue as compared to the expenditure. It was curious, that the studious man, thinking on a subject of this kind in his closet, sometimes anticipated, by means of his theoretical calculations, that result which was afterwards made manifest by the production of the public accounts. In a book lately published, written by a gentleman of the highest possible authority, Mr. Tooke, there appeared so perfect and accurate a description not only of the existing state of the revenue and of the expenditure of the country, but also of the causes which had led to that state, that with the permission of the Committee he would read the passage. The right hon. Gentleman read the following passage from Mr. Tooke's book on prices, vol. ii., page 278:—

> "The revenue has experienced a falling-off in the past year, as compared with the preceding. But, independently of the operations of the tea duties, there is reason to believe, that the revenue of the preceding year was an inflated one. It is quite clear, that a period of speculation must be attended with an increase of revenue; for, not to mention the operation of over-trading, it may be observed, that when prices have been rising for some time, the tendency to anticipations of a further advance, in other words to speculation, extends itself to retail dealers, who, under such circumstances, are induced to enlarge their stock. This causes entries for consumption,

and consequent payment of duties, in the expectation of a continuance of the increasing ratio of demand. Such was probably the case in 1835-6. When, however, the event proves that the demand for actual consumption does not equal the exaggerated expectation, the dealers are disposed to run off their old stock before they make fresh purchases; and the difference between a disposition and an indisposition on the part of dealers, as well retail as wholesale, and of manufacturers to get into stock, or in other words, the difference between an anticipation and postponement of demand, is very great, not only upon prices, but also upon the revenue."

He could assure the Committee, that the circumstances stated in the passage he had read, which, on general reasoning, were considered as likely to take place, might be shown, by a comparison of the last two or three years, to have actually occurred. It appeared, that at the period before the commercial pressure was felt, there was every tendency to increased receipts in the revenue, as there was at the present moment a tendency the other way, because it was obvious to every Gentleman, that the operations of the revenue were of such a nature, that they succeeded the general action on prices; and this phenomenon was often exhibited, that there would be a period of increased revenue contemporaneously with commercial pressure, and a deficient revenue when prices were rising. The commercial crisis through which the country had lately gone, and which had shown itself in the state of the revenue, had not led to the same calamities as those exhibited in 1825; and, considered in all its bearings, its mitigated effect might be said to have arisen from the great augmentation of the resources of the country, from greater preparation in meeting the pressure, and from the country being in possession of more wealth and more capital. There had been, too, a succession of years of greater prosperity than known before in the memory of man. Taking the period from the year 1830 up to the commencement of the commercial pressure, there never had been a period of greater or more invariable manufacturing and commercial prosperity. Such was the condition of the trading interest of the country at the time of the pressure; and it was also to be recollected, that at the commencement of the late difficulties there had been a vast deal of speculation afloat, and a large amount of capital had been invested in railroads, foreign stocks, and other securities. Nevertheless, such were the power and the resources of the country, that even when the crisis came, the country was able to bear up against it with infinitely greater strength, and to meet the pressure with much less suffering, than in 1825. Consequently, in the midst of all difficulties, there was this consolatory circumstance—that there had not happened, as in 1825, a suspension of payments by seventy or eighty banks, and extensive failures in the commercial world. At the same time, it was not his intention to undervalue in the slightest degree the amount of the late commercial embarrassment, and the effects it had produced on the manufacturing industry of the country; nevertheless, he said, that the result of the trial to which the trade and commerce had been subjected, proved, that there had been an addition to the capital and to the resources of the country — a circumstance which must afford general satisfaction and ground of future hope. But, admitting that the pressure was great, as indeed appeared from its effect on the revenue, still it must be confessed, that it was accompanied by circumstances calculated to create much alarm—viz., the course of the exchanges, and the demands on the Bank of England for treasure. The existence of the pressure had been made manifest in another, and not unimportant, way: there had been a considerably increased demand of money from the saving banks of the country: the balance was turned at that period, and in place of the receipts increasing, the amount of the money drawn out considerably exceeded the amount of the deposits. Such had been the state of things, but he now had a right to say, that the prospect was improving. And not only that, that those very experiments to which he had referred as marking the general condition of the country would now lead to the inference of an entirely opposite kind. He had dwelt on these considerations because it was material, that the Committee should accompany him throughout his statement, for the purpose of ascertaining whether his hypothesis was or was not correct, that the present depressed state of the revenue had either diminished or ceased, and that it was not connected with causes of a permanent character. In like manner, when he came to deal with the expenditure, and showed an increase on that head, it would be for the Committee to determine, whether it would be right to consider that increase of a permanent or of a temporary nature—in short, to say, whether the two disadvantages with which they had at present to contend—diminished receipt and increased expenditure — were permanent in their character, or only temporary and transitory, as he contended. The operation of the commercial crisis, which had been attended by a diminution in the demand for our manufactures and exports, had of course shown itself in the diminished receipts for the year. Taking the actual amount of the income, omitting from the account the Bank balances, and other items not so materially connected with the actual income of the country, it appeared, that in the year 1836-7 the receipt was 48,340,000*l.*; and in 1837-8 the receipt was 45,880,000*l.*; showing a difference between the two years of no less a sum than 2,532,000*l.* Undoubtedly that, in the first instance, appeared a most alarming diminution; and if the Ministers considered it to be of a permanent character, it would undoubtedly be their duty either to see whether the expenditure could be reduced to such an extent as would meet the diminution of income, or else to make a proposition which would add to the burdens of the country. He, however, trusted, that he should be able to make it clear to the Committee, that the diminution of income was not of a permanent character, and could not inspire any well-founded alarm. Before he went into an analysis of the income, he wished to make some observations on the expenditure of the country. He had already stated, that the present year was one of diminished income and increased expenditure; and he hoped, that hon. Gentlemen would bear in mind, that the Government had had to provide for the whole of the interest on the West-Indian loan. amounting to 750,000*l.*, which had been paid without the imposition of a single additional tax. This circumstance ought to be taken into consideration in instituting a comparison between the expenditure of the past and the previous year. There had also been in the course of the present year an increase of expenditure connected with Canada. A right hon. Friend of his on the opposite benches (Mr. Goulburn) had on a former occasion asked the Government to give some information on this point; but it was then out of his power to give a precise answer, and even at the present moment he was not able to state the amount with certainty, though he would endeavour to give the best explanation he could. There was an increase, as hon. Gentlemen might see, upon the estimate of the present year; besides which there was an increase of expenditure from Canada, which showed itself in draughts on the Treasury on the part of our commissariat. The bills which had been drawn fell due in the months of January, February, March, April, May, and June, for the service of the provinces, and amounted to 467,546*l.*; and there were further outstanding bills amounting to 6,260*l.* This appeared to be the state of the case when the last advices were received. In addition to that, there was a sum to be repaid to the commissariat from the Canadian treasury, amounting to 100,000*l.*, and a further sum of 108,000*l.* remitted in dollars from Jamaica and Vera Cruz, making a total amount of 681,000*l.* to be provided for on account of Canada. He was merely stating facts, and he should ill discharge his duty if he were to be led astray into the discussion of the general policy of the Government with respect to Canada. He was not in a condition to be able to say, that the whole of the sum he had mentioned had been expended; of course it had not, because the military chests were recruited to a considerable excess over the ordinary provision made for the Canadian expenditure. But the hon. Gentleman opposite having asked what proportion the present draughts on the Home Government bore to the amount of draughts in ordinary years, he would endeavour to give some information on that point. The average expenditure for Canada in the year immediately preceding amounted to 205,000*l.*, so that the amount of the draughts for the months he had just mentioned (681,000*l.*) might be compared with the average annual expenditure of 205,000*l.* But the Committee would bear in mind that now a much larger provision was made; in the first place, our military chest was necessarily much better supplied, and in the next our commissariat must have greater resources at command in proportion as the force in Canada was augmented. He did not think, therefore, it would be fair to assume that the proportion would be as 205,000*l.* for the whole year, and 681,000*l.* for six months. He did not think that that would be a just ratio. He was not able to state with any accuracy the exact condition of the expenditure, because, as he had on a former occasion said, it was utterly impossible to proceed with the ordinary commissariat. There was a general necessity felt of arming irregular troops, and establishing an irregular commissariat, but there had been since organized by Sir J. Colborne a regular commissariat, and a board of officers formed, which was charged to investigate the whole of the accounts, and he hoped before the Sessions terminated he should be in possession of more positive information on the subject. The Committee ought also to take into account that there was among the payments of the year an additional charge of 200,000*l.*, which arose quite unexpectedly. The Committee was aware that he had altered the time for the exchange of Exchequer-bills. On grounds which he had explained to the House, he felt the necessity of having the exchange of Exchequer-bills fixed for a period when Parliament was sitting. The circumstances under which the September exchange of Exchequer-bills took place in 1836, when 12,000,000*l.* were to be at once provided for, proved to him that it was not safe that a considerable exchange of Exchequer-bills should take place when Parliament was not sitting. The effect of the alteration had been to cast on the expenditure of last year the sum of 200,000*l.*, which, under ordinary circumstances, would not have been paid until the June exchange; therefore, they had not only the extra charges with respect to Canada, but also a charge of 200,000*l.* which properly belonged to the current year, and which they had, in point of fact, paid by anticipation. There was a third ground of increased expenditure with which the Committee was familiar—he alluded to the increased charge of interest on Exchequer-bills, which on the six quarters which had elapsed amounted to 396,000*l.* The effect of the rise in the interest on Exchequer-bills comparing the amount paid with what would have been paid at the rate of 1½*d.* a-day, amounted to 396,000*l.* Without anticipating a discussion which might arise on the motions given notice of by the hon. Members for Coventry and Kilkenny, he might say shortly, that he did not, on reflection, in any degree regret the rise of the interest on Exchequer-bills, considering the period at which that rise took place. He should endeavour to defend the step he took when it should be impugned; but when it was considered that he gave an explanation on the subject of increasing the interest of Exchequer-bills in the budget statement of last year, and that it provoked no attack, he thought it hardly fair, now that the object for which the increase of interest was made had been to a considerable extent answered, that hon. Gentlemen should begin to attack a measure in which they before seemed to acquiesce. Those hon. Gentlemen appeared to think that they could meet the whole question by saying, "You are paying an interest of three per cent. for the money which you obtain upon public securities, when plenty of money can be had in the city at two per cent. interest upon private security;" and thence they inferred, as public security was better than private security, that if money could be obtained at two per cent. upon the latter, the Government ought to obtain its loans upon Exchequer-bills, not at three per cent., but at a lower rate than two per cent. He would leave it to the hon. Gentleman, when the proper time came, to work out that proposition. The hon. Gentleman knew very well that 3*l.* 6*s.* was the rate of interest at present paid upon Consols, and he must also know very well that if the general rate of interest upon money in the city did not exceed two per cent., the price of money, as represented by Consols, would not be at the rate he had mentioned. But for any Gentleman to say, that the general value of money in the city for permanent investments did not exceed two per cent., exhibited a rashness of assertion that he had never heard exceeded in that House. He had endeavoured to show, that the present year was one of increased expenditure and diminished income; and he had stated the grounds which, in his opinion, had led to those two results. He would now proceed to compare his estimate of the income and expenditure of the past year with the actual result. He would begin by confessing, that his anticipations had been disappointed. The estimate which he made for the revenue of the current year ending the 5th of April, 1838, amounted to 47,240,000*l.*; the actual income of the year had been only 46,090,000*l.* The estimate of the expenditure for the year ending the 5th of April, 1838, was 46,873,000*l.*; the actual expenditure had been 47,519,000*l.* so that the deficiency which at present existed was 1,428,000*l.* But there was another comparison which he had a right to institute in order that the real state of the finances of the country might be fully understood. He had made an estimate of the income of the year preceding, as well as the year following April, 1837; and there was upon the income of the one year an excess fully counterbalancing the deficiency upon the other. He therefore wished the House to consider how the income of the two years stood as compared with his estimate. [Mr. *Hume:* How is the calculation made?] The deficiency was arrived at by deducting the 46,090,000*l.* the actual income, from 47,519,000*l.*, the actual expenditure, which left a deficiency in round numbers of 1,428,000*l.* But he wished to call the attention of the House to a comparison of the income and expenditure for the two years 1836 and 1837. The total estimated amount of income was 94,220,000*l.* for the two years, the actual income was 94,543,000*l.* The average of the estimated receipt of the two years was 47,110,000*l.*, and the average on the real receipts 47,271,000*l.* Now with respect to the expenditure. The total estimated expenditure of the two years was 93,702,000*l.*, while the actual expenditure was 94,109,000*l.* The average of the estimated expenditure was 46,851,000*l.*, and of the actual expenditure 47,054,000*l.*, showing on the average of the three years a considerable surplus of income. Therefore the House would see, that although there was a considerable deficiency on the income of the single year, yet there had been a considerable excess on the income of the previous year. Taking, then, his anticipation of the income and expenditure of the two years together, and comparing that anticipation with the actual results, so far from any deficiency appearing, there was, on the contrary, as much identity as could ever be expected on an estimate. He should now proceed; and the House would recollect, that of the whole amount of deficiency, 200,000*l.* was accounted for by the payment of Exchequer bills, which, under ordinary circumstances, would have been paid in June, but which, by a late arrangement, had been paid in March. He would now proceed to compare the prospects of the country in the past with those of the year ensuing. He had made his calculation in two ways. The one, which he thought was a fair one, upon an average of the last two years, taking the productive and unproductive years. He thought that would lead to a fair result; but, at the same time, not wishing to lead any one astray, he had also taken a wide range, and would give an average of three years, although that would be more disadvantageous for his purpose. Now, he would tell the House how the account stood. In the first place, taking the average at two years, he calculated the income from the Customs at 20,795,000*l.*, from the Excise at 13,950,000*l.*, from the Stamps, 7,000,000*l.*, from the Taxes, 3,600,000*l.*, from the Post-office, 1,600,000*l.*, and from the miscellaneous, 279,000*l.* He had omitted the smaller sums and the fractions, but introducing them, the total amount would be 47,271,803*l.* The expenditure he calculated as follows, also expressing his calculations in round numbers:—The interest on the funded debt and on Exchequer-bills was 29,350,000*l.*, and the charges on the consolidated fund 2,400,000*l.* making a total of 31,750,000*l.*, Then came the expense of the army, which was 6,800,000*l.*, navy 4,800,000*l.*, ordnance 1,500,000*l.*, and the miscellaneous 2,550,000*l.*, making a total in exact numbers of 15,729,000*l.*, which added to the charge for the debt and on the consolidated fund gave the whole expenditure at 47,479,000*l.* The miscellaneous services included a vote, in the nature of a vote of credit, for the additional expenses which had been incurred in consequence of the recent state of affairs in Canada. For the last five years no vote had been taken for army extraordinaries, because such a vote was inapplicable to a state of peace, and because the accounts of the expenditure of such a vote were liable to many objections. Such votes, therefore, had been discontinued for a considerable period. But at the present moment, in reference more especially to the existing state of things in the Canadian provinces, he thought that the best and most legitimate mode of providing for an increased expenditure, in place of coming down to the House with an estimate, for the truth or accuracy of which they could not make themselves responsible, would be to state what they considered the probable amount of the expenditure would be, and to take at once a vote for army extraordinaries to that amount. The sum he proposed to take under that head for the present year was 500,000*l.* That would be included in the miscellaneous expenditure. A comparison of the income and expenditure for the current year, founded upon an average of the last two years, would show, if his calculations were correct, that so far from having a surplus of revenue at the year's end, there would be a deficiency to be supplied of 208,000*l.* If hon. Gentlemen thought that the calculations of revenue which he had made were exaggerated; if they felt that he should do better by taking the average of three years rather than the average of two years, they would diminish the income side of the account still further, and would leave a deficiency, not of 208,000*l.*, but of 505,000*l.* He himself believed, that calculations founded upon the two years' average would lead to a safe result; but, at the same time, as it might be argued that the other would be the better course of proceeding, he had determined to present the House with the double alternative, and to leave hon. Gentlemen to determine whether they would take the two years' average, with a deficiency of 208,000*l.*, or the three years' average, with a deficiency of 505,000*l.* He had stated, that whether the calculations were founded upon a two years' average or a three years' average, the deficiency of income for the current year would at least appear to be 208,000*l.* The question then arose, how was that deficiency to be met? It certainly was not by a reduction of taxation, as had been proposed by the hon. and gallant Member opposite (Colonel Sibthorp). He wished the prospects of the country had been such as would have enabled him to propose a reduction of taxation. That, however, was impossible, seeing that, instead of having a surplus, there was under one view of the finances of the country, an actual deficit of 208,000*l*, and under another view a deficit of 505,000*l.* How, then, was this deficiency to be met? There appeared to him to be only two ways of meeting it, and the preference to be given to the one over the other of those two ways resolved itself into the answer which the House would give to the plain and simple question:—" Can this deficiency be considered as permanent in its nature?" If the House had any ground to apprehend that this small deficiency or any amount of deficiency would be permanent in its nature, there was but one way in which it could be met; and that was by coming boldly to the House of Commons, stating fairly the facts of the case, and asking, through the medium of increased taxation, additional means to meet and discharge the obligations of the country. From that course no Minister who entertained a just sense of duty could retreat—always presuming that he saw in the nature of the case presented to him a permanent, and not a transitory, diminution of the national income. At the present moment he thought every reasonable man who looked at the whole of the facts of the case would entertain as strong a confidence as any individual could do in future events that the depreciation of the national income was temporary, and the increased expenditure temporary also. If that were the case, then the very same reasons which should induce a Minister, if he thought the state of things which caused the depreciation to be lasting and permanent, to ask for an increased taxation, should, if he thought it merely temporary, dissuade him from taking that course. It was undoubtedly true, that in the interval of time which had elapsed since the formation of Lord Grey's Government (he would go no further back, because beyond that period the responsibility of those who were now in power did not extend); but in the interval which had elapsed since that time, the House had undoubtedly had some experience with respect to the reduction of taxation. In the years 1831 and 1832 the large reductions of taxation—most properly begun by the right hon. Gentleman (Mr. Goulburn) opposite, and afterwards followed up by Lord Spencer—led to a very considerable deficiency of income as compared with the amount of expenditure. In the October quarter of 1831 there was a deficiency of 20,537*l.*; in the quarter ending the 5th of January, 1832, there was a deficiency of 698,837*l.*; in the quarter ending the 5th of April, 1832, there was a deficiency of 1,240,412*l.*; and in the quarter ending the 5th of July, 1832, there was a deficiency of 1,263,187*l.*; but then the tide turned, and in the following quarter, namely, the quarter ending the 10th of October, 1832, there was a surplus of 467,291*l.* From that time the surplus continued to rise until October, 1837. The surplus on the first year after he (the Chancellor of the Exchequer) came into office, namely, in October, 1836, was 2,712,221*l.*; on the 5th of January, 1837, it was 2,130,092*l.*; on the 5th of April, 1837, it was 1,862,823*l.*; and on the 5th of July, 1837, it was 1,908,526*l.*; but from that time the depreciation went on more rapidly; and in October, 1837, there was a deficiency of 544,645*l.*; in January, 1838, a further deficiency of 655,760*l.*, and on the 5th of April, 1838, an increased deficiency of 1,428,532*l.* But, as he had before stated, there was a continued surplus of income over expenditure during the whole of the period that intervened between October, 1832, and October, 1837; and as in October, 1832, after four successive quarters of depreciated income, the revenue again revived and afforded an immediate surplus, so, in the present instance, he had no doubt they should witness the same result. Already, he was happy to say, the revenue of the country exhibited symptoms of improvement, and before long he did not doubt to see it returned to its wonted prosperity. If, then, he was right in assuming that the deficiency, whether of 208,000*l.* or 505,000*l.*, would be but of a temporary character, he would go further, and say, that it must be met not by coming to Parliament to add a permanent load to the taxation of the country, but by taking the same course that the Government had pursued upon former similar occasions, and which upon every such occasion had met with the assent and approval of Parliament. He wished for a moment to call the attention of the House to the state of things in the year 1827, when Mr. Canning filled the office of Chancellor of the Exchequer. He found, that Mr. Canning, in making his financial statement, estimated the receipts of the year (1827) at 54,600,000*l.*, the expenditure, not including the sinking fund, at 51,800,000*l.*, and the sum to be appropriated to the sinking fund at 5,700,000*l.*, thereby leaving himself with a deficiency of 2,900,000*l.* The observations of Mr. Canning upon that occasion were as follow:—

"For the present year, then, the question which arises out of the statements which I have submitted to the committee—the question which they will have principally to consider—is, whether the present deficiency, which I have stated, in round numbers, to be 3,000,000*l.*—though it is now, and I think we have every prospect of its proving hereafter still more so, considerably less than I have stated it at—whether, I say, this deficiency shall be provided for by any extraordinary course, or whether, under the peculiar circumstances of the present year, it may not be the more expedient step to take a credit on the consolidated fund, and leave it to the year to come to determine what measures of a more decided character it may hereafter be necessary to resort to. This, Sir, is, of course, in other words, a proposal to add to the amount of Exchequer-bills, now outstanding. And the first question that arises on the suggestion of such a proposal is whether the amount of those bills now outstanding, be such as to bear this hypothetical addition; or whether it be at such a rate as would make it dangerous to run any risk, by pressing harder upon the amount already in the market. In order to come at this, it will be necessary, Sir, to examine the value which these bills actually bear in that market. The price at which Exchequer-bills are now selling is equivalent to a premium of 50*s.* upon every 100*l.*, that 100*l.* yielding an interest of three per cent. per annum. And such being the premium, this assuredly does not indicate any appearance of an over-stocked or labouring market. Then, Sir, as to the amount. The whole amount of Exchequer-bills, at present outstanding, is 24,000,000*l.* That amount would be increased, supposing the whole of the sum now apparently deficient to remain deficient at the end of the year—that is, supposing the revenue to go on for the remainder of the year at the same rate at which it has gone on during the four months last past; and supposing all the indications, I will not say of reviving prosperity, but of reviving activity in our trade and commerce, which we hear of from all parts of the country—supposing the information on this subject, which has been communicated to so many hon. Gentlemen, to be quite erroneous—supposing, in fact, the very worst—and the addition will make the whole amount of Exchequer bills outstanding, 26,700,000*l.*"*

Mr. Canning had before him a deficiency of 3,000,000*l.* sterling, whereas the maximum of the deficiency with which he (the Chancellor of the Exchequer) had to deal at the present moment was from 208,000*l.* to 505,000*l.* The analogy between the two cases was in many respects singularly complete. Mr. Canning had to meet a possible increase of expenditure for the army, to be employed in consequence of the threatened invasion of Portugal, and for which he took a vote of credit; and the present Government had to meet an increased expenditure for the employment of troops in consequence of the insurrection in Canada, for which they now proposed to take a vote of credit. Mr. Canning stated, that he took that course on the ground that the amount of Exchequer-bills outstanding was lower than it was customary for it to be, which, therefore, made a vote of credit safe; the price at which they sold in the market giving a premium, and was such as showed that they were not in excess. He stated, that the amount of those bills was 24,000,000*l.*; the present amount of outstanding Exchequer-bills was also about 24,000,000*l.* He further stated, that the interest upon Exchequer-bills was between two and three per cent.; that was the interest which Exchequer-bills now bore. He likewise stated, that they sold at a premium of fifty shillings; the premium which Exchequer-bills at present bore was about that amount. Therefore, if it were safe and prudent for Mr. Canning to have taken the step he did in reference to a deficiency of no less than 3,000,000*l.* He trusted that the Committee would see, that there was no improper risk run, by adopting a similar course now; but that, on the contrary, he should be acting improperly towards the House and the country if, in order to meet a temporary evil, he asked either the House or the country to submit to a permanent imposition of a new tax. If, he repeated, it were safe on the part of Mr. Canning, with a deficiency before him of nearly 3,000,000*l.*, to resort to a vote of credit, he thought he was justified in asking the Committee to venture upon the step now proposed in reference to a deficiency of at most 500,000*l.* He had already stated that the amount of outstanding Exchequer-bills at the present moment was 24,000,000*l.* An account had been called for which, when produced, would show not only the amount of Exchequer-bills issued on account of the ordinary supplies, called the ordinary supply bills, but also the amount of the deficiency-bills, and other advances made by the Bank of England. He had in his possession an account already prepared, that exhibited something of this kind; but he would not refer to it, because he was desirous of having a fuller account, and one which should be brought down to a later period, showing the advances which had been made by the Bank which were not exhibited in the account of the January quarter. The exact amount of Exchequer-bills outstanding in January, 1838, was 24,044,000*l.*, being the lowest amount outstanding since the year 1827. In the year 1837 the amount of deficiency-bills was 18,871,000*l.*, being the lowest amount since the year 1827. In the year 1838 the amount of deficiency-bills had naturally augmented to a sum of 22,000,000*l.*, which, however, was much less than the amount of outstanding bills in the year 1829. He wished to call the attention of the hon. Gentleman who asked him a question on this subject in an early part of the Session to this fact, that whereas from the year 1828 to the year 1834 very large advances were continually made by the Bank upon sugar bills and other annual grants—advances amounting to 5,000,000*l.* in the year 1832, and to the sum of from 2,000,000*l.* to 3,000,000*l.* in other years—yet in the years 1835, 1836, 1837, and up to the 1st of January, 1838, there was not one single farthing of advance of that character either asked for or obtained by the Government from the Bank of England—and the only sum received by way of advance from the Bank in anticipation of the revenues during the present quarter was the small amount of 970,000*l.* He therefore felt himself at liberty to state to those Gentlemen who were connected with the Bank of England that the actions of the Bank had been left free and unfettered by the Government, and that they had no right to complain of the proceedings of the Government in any one respect as interfering in the slightest degree with the operations of the Bank. The advances obtained had been not only of the ordinary kind, but much less than the ordinary amount. He had now endeavoured to show the Committee, that although by comparing his estimate of revenue for the last year with the amount of return during the last year his estimate proved to be erroneous, yet, if they permitted him to compare the estimates for the last two years with the receipts of those two years, the result would bear out the estimates. He had endeavoured to show, also, that taking the calculations most adverse to themselves, there was a deficiency to be provided for of between only 300,090*l.* and 400,000*l.* If, however, there had been no extraordinary expenditure incurred on account of the insurrection in Canada during the last year, and if they had not had to provide for the whole interest of the West-India compensation grant, or if either one of those cases had not occurred, the result would have been a surplus of revenue instead of a deficiency. But it was not his present duty to argue either the merits or the necessity of the measures which had been adopted with respect to Canada, or the wisdom or expediency of the West-India grant. These obligations he, as Chancellor of the Exchequer, found already cast upon the country, and it was these obligations that had led to the results he had now just described. It was undeniable, that this prospect was not a satisfactory one, nor had the House or the country a right to be satisfied with the exhibition which he had made of the income and expenditure of the country. But still he was not conscious that the events which had led to an increased expenditure or to a diminution of receipts were matters which he could justly be held responsible for; nor did he believe, that it could be justly contended that they were events which could have been averted by any act of the Government, much less that they were produced by any act of the Government. But whether that were so or not, he felt every confidence that the results were but temporary in their nature; and that looking forward to the resources of this country, and to the prospects which were at this moment before them; he thought it would be absurd if any one were to say, that because there was now an exhibition of a small deficiency of 200,000*l.* or 300,000*l.*, there was the slightest reason to despond of the permanent credit or resources of the country. It would be too absurd for any one to assert such apprehensions. But if any Gentlemen were really apprehensive as to the stability of public credit on account of so trifling a deficiency, there were circumstances connected with the state of the public income which might afford them some consolation, as holding out a prospect of a speedy reduction of the charges to which the country was now liable. He would briefly advert to those circumstances. The House was aware of the very large conversion of interminable into terminable annuities, which had been effected by a just and perhaps the only legitimate application that could be made of a sinking fund. The time was rapidly approaching when the country would begin to reap the fruit of that conversion. He had not the means of stating, at the present moment, the amount of life annuities; but there was no less a sum than 4,000,000*l.* or 5,000,000*l.* altogether depending upon the terminable annuities. In the course of the year 1839 the annuities for years would begin to fall in. In the interval between the years 1839 and 1841 there would fall in of terminable annuities the sum of 187,000*l.*; between the years 1841 and 1843 there would fall in the sum of 175,000*l.*; from the year 1843 to 1846 there would fall in the additional sum of 207,000*l.*; from 1846 to 1851 there would fall in the sum of 30,466*l.*; and from the year 1851 to 1860 there would fall in the sum of 575,000*l.* Looking at the whole of the Government annuities, therefore, terminable for years (excluding the dead weight and the long annuities), no less than 1,404,000*l.* in amount, would terminate by the year 1860 —a period which, in the history of a nation, could not be considered remote. But before the year 1867 there would be a sum, including the dead weight and the long annuities, of no less than 3,057,000*l.* which would actually cease to be a charge upon the finances of this country. He had already stated that they had a prospect, and he trusted a just one, of augmenting the receipts of the revenue. The prospects of the revenue were unquestionably better now than they were a short time ago. The accounts he received were daily more promising. Hon. Gentlemen would see from the accounts published by the Bank, showing a comparison between the treasure in the hands of the Bank and the amount of its liabilities, that there had been a return to a sound state of things. The accounts which he had received from the savings' banks also exhibited the amount of the deposits received to exceed the amount of sums drawn out. On these grounds he felt no reason to apprehend danger for the future; and he did not think he was asking too much of the House, or of the public, when he proposed that they should venture to run the present risk by increasing the unfunded debt of the country to so small an extent as that which he had already mentioned. The right hon. Baronet, the Member for Pembroke, on a former occasion called the attention of the Government to the state of the money advanced in the way of loans for public works and for the building of workhouses, and adverted to advances which had been made by the Bank to the Government for that purpose. But no difficulty had arisen from these transactions, because the Government were applying the repayments received on account of former loans to the extinction of the new advances, and the fact was, that the repayments to the Government were much more considerable than the amount of the Exchequer-bills which the Government had been called upon to pay off. The Government had considerably reduced the amount of the bills issued on account of these loans, and he hoped, in the course of the present year, to be able to make additional provision for this purpose, without at all affecting his present calculations. At the commencement of this year he promised to consider the propriety of reducing the four-and-a-half per cent. duties. Indeed, he had declared his intention that a reduction should be made; but he had also stated, that he should couple that measure with the re-consideration of the sugar duties. He did not, however, think it necessary to make this subject a part of his present arrangement, but preferred reserving it for a subsequent and separate consideration. There was another topic to which he would briefly advert. He meant the claim which the South Sea Company thought it had upon the public. It was a very small sum, and not worth mentioning in connexion with his present calculations. He alluded to it, however, lest Gentlemen whose interest it concerned should consider that he had acted carelessly with regard to their claims. He now begged to thank the Committee for the attention they had shown to his statement. He knew, that he had made it extremely imperfectly, and of course the statement itself must have been very unsatisfactory; but if it were unpalatable and distasteful to the Committee to learn that there was a deficiency in the place of an excess of revenue, they might well be assured, that to the individual whose duty it was to make that statement, the fact was much more unpalatable. Besides, he had laboured under considerable personal inconvenience and suffering in the course of the evening. He made this apology because he felt it due to the Committee. He had, however, endeavoured to discharge his duty to the House and country; and he could assure the Committee, that whatever other blame might be attributed to his statement, there was one thing which ought not and could not be attributed to it;—he had not endeavoured to make the best of his case or to exaggerate it in any degree, but had endeavoured to state it accurately and according to truth; and where the subject was rather a matter of surmise and calculation than of fact, he had made his calculation rather against than in favour of himself; rather in opposition to his hope than in favour of any sanguine anticipation. If on these grounds the Committee should agree with him that it was not expedient or wise upon so small a deficiency—that deficiency arising from temporary causes—to appeal to the House for augmented taxes, he thought there was no other course left for him than to follow the precedent established by Mr. Canning in the year 1827, and to ask for a vote of credit, not, however, to the extent of millions, but to the extent of a few hundred thousand pounds; and he trusted, that the augmented resources and increased activity of the trade and manufactures of the country would enable them next year to more than wipe away the existing deficiency. The right hon. Gentleman then concluded by moving, by way of resolution, that the sum of 13,000,000*l.* be raised by Exchequer-bills for the service of the year 1838.

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* Hansard (New Series), vol. lviii. p. 1106.

Mr. *Hume* said, that the statement of the right hon. Gentleman had not been by any means satisfactory to him, nor would it be, he was quite confident, to the public; but, before he addressed the Committee, he begged to ask the Chancellor of the Exchequer a question, because, on the answer which he (Mr. Hume) should receive, would depend the nature and extent of the observations he should feel it his duty to make. It would be recollected that when the Committee to inquire into joint-stock banks was appointed, the Chancellor of the Exchequer engaged that an early opportunity would be afforded for entering into a discussion, how far the proceedings of the Bank of England, or the conduct of the Chancellor of the Exchequer, had tended to produce the mischief that had recently been produced in the commercial affairs of this country. He was anxious to have an opportunity of showing in what manner the public revenues had suffered, and that millions of individuals had also suffered distress for want of employment, in consequence of the recent severe shock given to public credit; and he hoped to prove clearly that that shock had arisen from mismanagement on the part of those who had the control of the monetary system of the country. If, therefore, the Chancellor of the Exchequer would now fix a day for entering upon the discussion of that question, he would, on the present occasion, confine himself to the subject of the revenue and expenditure of the country.

The *Chancellor of the Exchequer* said, he was most anxious to discuss the whole question connected with the present condition of the law affecting the Bank of England, and the practice of the Bank under that law: but he at this moment laboured under a great difficulty, in consequence of the unavoidable absence of his excellent Friend, the Secretary for the Treasury, (Mr. F. Baring) the cause of whose absence he was sure every one must deplore. He would repeat that he was anxious that the discussion should take place, and he believed, that those Gentlemen who were connected with the Bank of England were perfectly ready to meet that discussion. (The right hon. Gentleman then turned to consult with Lord John Russell as to what day could be fixed).

Mr. *Hume* said, he would take the first notice-day; and would give notice now ["You cannot!"]. At all events, he begged the right hon. Gentleman to understand that it was not an inquiry into the affairs of the Bank alone which he (Mr. Hume) proposed; but it was an inquiry likewise into his own conduct, as Chancellor of the Exchequer, in respect to the funded and unfunded debt of the country. His administration, as regarded money matters, was so coupled with the Bank of England that it was impossible to inquire into their conduct separately.

The *Chancellor of the Exchequer* having searched the order-book, proposed that the motion of the hon. Member on this subject should be fixed for Thursday, the 31st of May.

This being assented to;

Mr. *Hume* proceeded to state, that he could not take the favourable view which the Chancellor of the Exchequer had done as to the state of the finances of the country. The view which he took of the receipt and expenditure of the country was very different. According to the statement he then held in his hand,* the amount of revenue in the year 1835 was 50,408,579*l.*, and in the last year (1837) it was 50,663,353*l.*; being 254,774*l.* in favour of the latter year: but, comparing the revenue of the year 1835 with the year 1836, there was a surplus in the latter year amounting to 2,540,819*l.*, the revenue of 1836 being 52,949,398*l.* In the next year (1837) the revenue had been reduced to 50,663,353*l.*, being a deficiency in that year as compared with the year 1836 of 2,286,045*l.*, and between the actual revenue and expenditure of the year 1837, there was a deficiency of 655,760*l.* which deficiency was up to the end of January last; but the House would observe that the Chancellor of the Exchequer had made his statement of expenditure up to the 5th of April, by which a further sum of 800,000*l.* had been added to the expenditure, and thus increased that large deficiency. It appeared by the statement of the right hon. Gentleman that 681,000*l.* had already been paid on account of the expenses of the civil war in the Canadas; and, if he understood the right hon. Gentleman correctly, a further sum of 500,000*l.*, remained to be provided for, which would further increase the deficiency of revenue to meet the expenditure.

The *Chancellor of the Exchequer* said, that the additional sum required would not be quite 500,000*l.*

Mr. *Hume*: at all events it appeared that the extra expense already incurred on account of Canada was more than a million sterling. If he (Mr. Hume) could believe that that would be the outside of the expense the right hon. Gentleman might be justified; but every account which he received from Canada stated, that the expenditure was most lavishly conducted, and that the amount could not yet be ascertained. The right hon. Gentleman would, therefore, be fortunate if he could clear himself at the expense only of an extra million. But what a picture was this to present to the country at this time! Owing to the misgovernment of the Colonial-office, and to not doing justice to the people of Canada, England had at once an addition to her debt to the extent of 1,000,000*l.*, and a fair prospect of as much more before the year was out; and all hope of a reduction of taxes was, for the present at least, wholly destroyed. The people of England were thus obliged to pay those sums as a fine for the misrule and injustice of the Ministers and of Parliament which supplied them. He had already stated, the amount of revenue for the years 1835, 1836, and 1837. He found the expenditure during those years to be, in 1835, 48,787,639*l.*, leaving a surplus of revenue over the expenditure for that year of 1,620,940*l.*: in 1836, the expenditure was 50,819,306*l.*, leaving a surplus revenue of 2,130,092*l.* over the expenditure; while in the year 1837 the expenditure was 51,319,114*l.*, the revenue only amounting to 50,663,353*l.* leaving an actual deficiency of revenue of 655,761*l.* to meet the expenditure of the year! The House ought to ask, how this extra expenditure in 1837 arose? It was evident that it arose chiefly from an increase in the different establishments, and partly from the increased charge on account of the slave-compensation loan. A reference to the expenditure in the year 1835, on account of that portion which included the civil list, pensions for services, salaries and allowances, diplomatic salaries and pensions, courts of justice, and miscellaneous expenditure paid from the consolidated fund, the charge for these items amounted to 2,082,817*l.*; in 1836, the same departments amounted to 2,866,935*l.*;

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* An Account of the Income and Expenditure of the United Kingdom for the Years ending 5th January, 1836, 1837, and 1838.

	Income.	Expenditure.	Surplus.
1836	£50,408,579	£48,787,639	£1,620,940
1837	52,949,398	50,819,306	2,130,092
			Deficiency.
1838	50,663,353	51,319,114	655,760

Expenditure.

Excess of	1836	over	1835	£2,031,667
Ditto	1837	"	1835	2,531,475

but then 685,325*l.*[*] of this amount was on account of the slave-compensation loan. In the year ending the 5th of January, 1838, however, there was no such extra item, and yet the expenditure on account of the same items of expenditure amounted to 2,411,457*l.*, being an increase of nearly 400,000*l.* above the expenditure for 1835. Why should this increase have taken place? Why, for instance, should the expenses of the courts of justice be increased from 430,495*l.*, the charge in 1835, to 674,452*l.*, which was the charge in 1837? Let the Committee mark, first, the increase of the total expenditure of the country in these past three years. In 1836, the expenditure was 50,819,306*l.*, and in 1835 only 48,787,639*l.*; shewing, as compared with 1835, an increase of 2,031,677*l.*, and that the increase of expenditure in 1837, as compared with 1835, was 2,531,475*l.* Now all this, the Committee would observe, was an increase of actual expenditure, and he was entitled to ask, how had this arisen? It was because the establishments and consequently the expense of the army, the navy, the artillery and ordnance, had been greatly augmented, notwithstanding his objections at the time the estimates were before the House—and this in a time of peace! It was ridiculous to say, that these large establishments were in the least degree necessary in the present circumstances of the country, or of Europe. They were kept solely up to increase patronage, and to support the aristocracy. So far, therefore, from the Committee agreeing to a vote of credit now, they ought to oblige Ministers to make a reduction in those establishments, and then the vote of credit would be unnecessary. The present Ministers stood pledged to maintain peace and to act upon a system of economy and retrenchment; but he was sorry to say, that they had not kept the latter pledges. No circumstances had, in his opinion, occurred which warranted so large an increase in the military, naval, and ordnance departments; and the people had a right to complain of the failure of Ministers to redeem their pledges. In 1835, the charge for those military and naval establishments was 13,801,832*l.*; in 1837 it was 15,229,927*l.*, making an increased charge of 1,428,095*l.* more in 1837 than in 1835.[*] Here was at once an increased charge equal and more than equal to the deficiency for which the Chancellor of the Exchequer now asked a vote of credit. He wished particularly to point out to the Committee the situation of the country this year as compared with the year ending in January, 1835. It was very easy for the Chancellor of the Exchequer to say, that expenses had been incurred which he could not avoid. But he would ask, if Parliament had voted those sums against the wish of the Ministers? Certainly not! It was true, that the charge for the slave-compensation loan had been thrown upon Government; and to that extent he was not about to complain. There had been in 1835 a surplus revenue of 1,620,940*l.*, and in 1836 a surplus of 2,130,092*l.*; making a surplus of 375,032*l.* of revenue over expenditure; so that after deducting 665,760*l.*, which was the amount of deficiency in 1837, there still remained a surplus revenue of 3,085,272*l.* in the three years 1835—1837; and yet the right hon. Gentleman now complained of a deficiency. It was, in fact, an increase of expenditure, and not a decrease of revenue in the last three years, which left the

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[*] An Account of the Expenditure of the United Kingdom, on account of the following items paid from the Cosnolidated Fund in the years ending 5th January, 1836, 1837 1838.

For the Year	1836.	1837.	1838.
Civil List	510,000	510,000	444,066
Pensions for Services..	524,491	509,632	578,966
Salaries and Allowances	167,330	171,560	194,042
Diplomatic Salaries, &c.	176,015	108,301	188,141
Courts of Justice	430,495	420,996	674,452
Miscellaneous	274,486	1,056,103*	331,789
Totals £	2,082,817	2,866,935	2,411,457

* In this sum of £1,056,103 the following items are included, viz.:—

Expenses of Bank of England on the loan of £15,000,000	£7,500
Interest on Slave Compensations awarded	677,325
	£685,325

[*] An Account of the Expenditure for the Army, Navy, Ordnance, and Miscellaneous Services, in the years *ending* 5th January, 1836, 1837, and 1838.

	1836.	1837.	1838.
Army	6,406,143	6,473,183	6,521,716
Navy	4,099,430	4,205,726	4,750,659
Ordnance	1,151,914	1,434,056	1,444,523
Miscellaneous Services	2,144,345	2,279,311	2,513,030
Totals £	13,801,832	14,392,278	15,229,927

Excess of the year 1836 over 1835	£1,428,095
Ditto 1837 " 1838	837,649

Treasury in its present state. He would now state what had been the addition made to the funded debt.* In 1835 the funded debt was 743,675,300*l.*, the interest and management of this amounted to a charge of 27,783,454*l.* In the year ending 5th of January, 1838, the debt amounted to 762,275,189*l.*, making an increase of 18,599,889*l.* in the capital of debt, whilst the charge for interest and management was 28,524,740*l.*, making an increase in the annual charge of 741,285*l.*, in the course of the three years more in the year 1837 than in the year 1835. He ought to state that there was a set-off against this increased charge, and a very proper set-off. The amount of outstanding Exchequer-bills on the 5th January, 1835, was 28,446,700*l.*, on the 5th January, 1838, the amount outstanding was 24,507,450*l.*, shewing an absolute diminution of the unfunded debt in those three years of 3,939,350*l.* They had, therefore, to set-off the 3,939,350*l.* of unfunded reduced against the eighteen millions of increase of unredeemed funded debt, which he had before stated as the increase of debt, and the finances of the country would be found, to the extent of the difference, to be in a worse condition now than they were three years ago, instead of being only in a small degree worse, as the right hon. Gentleman stated. The right hon. Gentleman himself had admitted, that the deficiency of revenue on the year ending 1st April, 1838, was as much as 1,428,000. It might be some consolation to our children, but little to us, that when the year 1860 came round there would be a large saving arising from the dropping in of the annuities; and, in the year 1867 the country would be freed from three or four millions by the same means. Although it had not been stated by the right hon. Gentleman, the whole amount of the annuities, was only 4,859,499*l.*; and when in 1867 or 1868 the whole of the annuities should have been got rid of, yet there would still remain an annual interest of funded debt of twenty-four or twenty-five millions of the permanent debt. He confessed, therefore, that he saw little to be pleased with in our finances, and much of gross extravagance; and he would also say of great mismanagement; and he thought that the House ought to enforce a little more economy and retrenchment.* He held in his hand also a paper from which it appeared that the country had already paid 294,199*l.*, of increased interest on the Exchequer-bills that were outstanding on the 29th September, 1836, and that the amount due and payable up to the 1st of January was 129,724*l.*, besides a loss of 19,309*l.* on the increased interest on deficiency-bills. Add to this the further sum of 92,924*l.* for the increased interest of 2½*d.* for six months from January last, on the Exchequer-bills, and it would be found that the total loss to the country was 536,166*l.*, which had been paid or would be paid in consequence of the increase of the rate of interest on Exchequer-bills alone, since September, 1836, being almost equal to the deficiency of the public revenue in January last, And when the proper time came he would not only show, that the deficiency amounted to that sum, but that there were besides other losses by discount on the fifteen millions loan, which would make the actual amount of loss not less than 765,130*l.* almost entirely by mismanagement of the finances of the country. When he saw public confidence returning, and increased activity of industry in the country, he should make it clear to the House that the loss of the country was not limited to the loss of the

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* *(See Parliamentary Paper, No. 352, of* 1838.*)*

Aggregate Amount of increased Interest paid on Exchequer Bills	£294,199
Ditto payable to 5th Jan., 1838	129,724
Ditto on Deficiency Bills, from raising the Interest	19,309
Half Year's Interest on £24,507,450 Exchequer Bills of the ½*d.* increase of interest	92,924
	£536,166
Discount on the Loan of £15,000,000 payable to Bank	228,966
Total	£765,130

* An Account of the official value of Imports, and the official and declared value of Exports of the United Kingdom in each of the years ending 5th January, 1836, 1837, and 1838.—[Finance Accounts.]

Years ending 5th Jan.	IMPORTS.	EXPORTS.	
	Official Value.	Official Value.	Declared Value.
1836	£48,911,543	£91,174,456	£47,372,270
1837	57,230,968	97,621,549	53,368,572
1838	54,737,301	85,781,669	42,214,938
Decrease in 1838 compared with 1837.	£2,493,667	£11,839,880	£11,153,634

amount of two or three millions to the Treasury; but he would show also what effects the shock given to public credit had had upon the country. He had made out a table for the present year of exports and imports similar to that made out by the right hon. Gentleman opposite, the Member for the University of Cambridge, in a former year; but as he feared this would not, in detail, meet with such a gracious reception by the House from him (Mr. Hume) as it had experienced from the right hon. Gentleman opposite, he would not trouble the House with all the particulars. He would, however, briefly refer to the summary of exports and imports during the last three years.* The value of imports, which amounted in 1835 to 48,911,543*l.*, had increased in 1836 to 57,230,968*l.*; but had decreased two millions and a half in the last year to 54,737,301*l.*; whilst the official value of exports, which in 1835 was 91,174,456*l.*, had risen in 1836 to 97,621,549*l.* and had fallen off in 1837 to 85,781,669*l.*, being a decrease, in one year, of nearly 12,000,000*l.* in the value of the exports of the country. Thus, the public revenue was reduced, and the means of paying the taxation were lessened by the shock to public credit and the consequent falling-off in the trade of the country. Let the House bear in mind that it was impossible, with so great a decrease in manufactures and in the rate of wages, for the people to purchase so many articles on which the excise aud customs duties were payable; and that, to this account, was to be laid the great diminution in the public revenue which had taken place. It might, perhaps, be worth giving a proof of this falling-off of exports in some of our leading manufactures.† In the leading manufacture of cotton the exports in the year ending 5th January, 1836, amounted to 44,849,038*l.*; in the next year they rose to 50,646,912*l.*; but in the year ending 5th January last they amounted only to 41,900,110*l.*, making a decrease, in one year, of not less than 8,746,802*l.* in one branch of our manufactures. The exports of hardware and cutlery in the year 1835 was 1,152,811*l.*; in 1836 the amount was 1,192,672*l.*, and in 1837 it had fallen off to 773,323*l.*, being a decrease in 1837 of 419,349*l.* The iron manufactures exported in the year ending January, 1835, amounted to 2,955,967*l.*; the amount was in 1837, 2,744,069*l.* being a decrease of 98,623*l.* Again in the linen manufactures there had been a decrease between the years 1836 and 1837 from 4,469,530*l.* to

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* Official value of some principal articles of Export from Great Britain, in the years *ending* 5th January, 1836, 1837, and 1838.

ARTICLES.	1836.	1837.	1838.
Cotton Manufactures £	44,849,038	50,646,912	41,900,110
Hardware and Cutlery	1,152,811	1,192,672	773,323
Iron and Steel........	2,955,967	2,842,792	1,744,069
Linen Manufactures ..	4,285,385	4,469,530	3,213,315
Woollen do.	7,399,657	7,535,064	4,680,247
Silk do.	792,087	767,986	433,123

† See Table in following column.

* Comparison of the Amounts of Funded and Unfunded Debt, and of the Annual Charge for Interest and Management of the same for the years ending on the 5th January, 1835, and on 5th January, 1838.

FOR THE UNITED KINGDOM.		Funded Debt Unredeemed.	Charge Interest.	Annuities and Management.	Total Charge, Interest, and Management.	Exchequer Bills out on 5th January.
Total Debt on 5th January, 1835.	Great Britain and Ireland.	£711,740,265	£22,462,749	£4,185,084	£26,647,833	£28,446,700(b)
		31,935,035	1,128,724	6,897	1,135,621	
		£743,675,300	£23,591,473	£4,191,981	£27,783,454	
Total Debt on 5th January, 1838.	Great Britain and Ireland.	£728,857,903	£22,988,322	£4,852,676	£27,840,998	£24,507,450
		33 417,286	1,176,919	6,823	1,183,742	
		(a) £762,275,189	£24,165,241	£4,859,499	£28,524,740	
	Increase	£18,599,889	£573,768	£667,518	£741,285	Less £3,939,350

(a) Finance Accounts Annual.
(b) P. P. 352 of 1838.

3,213,345*l.*, being an actual decrease in the year ending on the 5th of January last of 1,255,185*l.* In the woollen manufactures the exports in the year ending 5th January, 1836, were 7,399,657*l.*; in 1837 they were 7,535,064*l*, but they had fallen in the year ending 5th January, 1838, to 4,680,247*l.*; showing a decrease of 2,854,817*l.* With regard to silk manufactures, the exports in the year up to January, 1836, amounted to 792,087*l.*, and in the year up to January, 1837, to 767,987*l.*, and in January, 1838, they had fallen to 432,123*l.* being a diminution of nearly one half, or 335,863*l.*; making an actual decrease in the year 1837 of upwards of 13,700,639*l.*, or very nearly fourteen millions, in round numbers on these six articles alone. In the linen manufacture, this extraordinary decrease was to be attributed to the state of affairs in America. He was sure that the House would agree with him in thinking that it was most important to this country to maintain a good understanding with America; and that it depended in a great degree on the state of trade in America and the firmness of the money market there, whether the shock given to public credit in this country would be quickly recovered. He found that the number of yards of linen manufactures* exported from the United Kingdom in 1835, was 77,977,089, whilst it in 1836 had increased to 82,088,760 yards, but had fallen in 1837 to 58,426,333 yards, being a decrease in 1837, as compared with 1836, of 23,652,427 yards. It appeared that, notwithstanding this decrease on the aggregate of our exports, our linen trade had increased with France, for he found that in the year 1835 we exported to France 1,247,901 yards of linen; in 1836, nearly two millions, or 1,998,158 yards; and in 1837 we exported no less than 3,368,388 yards, the trade being more than doubled in three years. Nor was this all. The total number of pounds of linen yarn exported to France was 2,384,678lbs. in 1835, 4,012,141lbs. in 1836, and as much as 7,010,983lbs. last year. To America, however, our exports in the same staple article had greatly decreased. The total number of yards of linen manufactures exported in 1836 to that country was 39,937,620, but the quantity had fallen in 1837 to 13,495,453. It was evident, therefore, that a severe shock had been given to our manufacturing industry by the derangement of the currency, and he was anxious to prevent a recurrence of the difficulties of 1836-7: he was perfectly satisfied from a careful consideration of all the documents in his possession, that those commercial difficulties might have been, in a great measure, prevented. There was also one subject to which he wished to make an allusion, and as a day was fixed for a full discussion upon them he would not then do more. He referred to the savings' banks; and he wished merely to assure hon. Gentlemen in that House, and to assure the country, that he was not anxious to shake in any manner the public confidence in those establishments, but he was desirous of placing them on a firmer and more durable footing than they were at present, without any loss to the public, and he trusted that the resolutions which he would propose to the House would fully explain their present state and the alterations which he had to propose. He would again ask hon. Gentlemen whether they were quite satisfied with the situation of the finances of the country, and whether they ought not to go further than the right hon. Gentleman contemplated by his vote to guard against the risks under which the country had been placed, and might be again placed? It was an extremely painful duty for him to bring the House to review the difficulties in which the country had been placed in the years 1836 and 1837; but he considered it necessary to do so as it was wholly a miracle that the right hon. Gentleman had escaped from his critical situation so well. But when it was known that there were ninety millions of floating debt due by the Bank of England, and by the Treasury in 1836-7, and that there had only been four millions of bullion in the Bank of England at that time, it was only wonderful that the country had not got into still greater difficulties. In October 1836, when there was only about five millions of bullion in the Bank, there were Bank notes of the Bank of England in circulation and deposits exceeding

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* Quantity and declared Value of Linen and Linen Manufactures exported from the United Kingdom in 1835, 1836, and 1837.

Years.	Linen Manufactures.		Tape Threads.	Linen Yarn.	
	Yards.	£	£	Yards.	£
1835	77,977,089	2,893,139	99,004	2,611,215	216,635
1836	82,088,760	3,238,031	88,294	4,574,504	318,772
1837	58,426,333	2,063,425	64,020	8,373,100	479,307

thirty-two millions; of joint-stock and private banks, twelve millions; of Exchequer-bills out, about twenty-nine millions; of savings-banks' capital, nineteen millions; making an aggregate of ninety-two millions of paper payable in cash, all in demand except the Exchequer-bills. Was that a state of things for this great commercial country to be in? And this exclusive of four or five millions of deficiency-bills borrowed every quarter from the Bank to pay the interest of the debt. He was prepared to show that since 1820 there had always been a large issue of deficiency-bills to pay the dividends of the public debt, and what he wanted was the right hon. Gentleman so to regulate the public affairs as not to depend on the aid of deficiency-bills from the Bank, for quarterly advances. Was it not a disgrace that a great country like England should not in any one quarter be able to pay its dividends without going to the Bank to borrow four millions or five and a half millions—in the last quarter it was 5,220,000*l.*? He called upon the right hon. Gentleman to look to the difficulties which the country might have to meet by the mistakes of that establishment. Why should he go to the Bank to be a constant borrower? He would ask the right hon. Gentleman why he did not by a loan provide the means to place a deposit in the Bank sufficient to pay the dividends? Many Members might not know what was meant by the term —deficiency-bills." They were bills issued to the Bank to enable it to meet the quarterly deficiency in the consolidated fund in order to pay the dividends, such bills being repaid out of the growing produce of the taxes when received—hon. Members would see, that thus the country was obliged to borrow, like a spendthrift, every quarter in anticipation of our income, and this at a time when the Bank might be without a shilling or a sovereign. What he required, therefore, to place the public finances in safety, was, that Government should not be obliged to go to the Bank at all to borrow money for the purpose of paying the dividends, nor for any other purpose without the sanction and knowledge of Parliament. Such a state of things ought not to exist. He would not now say more of the evils arising from the issue of so large an amount of Exchequer-bills, but, on a more fit opportunity he would enter fully into them; at present he would close his observations by entreating the right hon. Gentleman to look well at the situation in which he was placing the country by being dependent upon the Bank for the means of paying the dividends, and by keeping up an expenditure larger than the revenue. In October, 1836, there were little more than four millions of bullion, including gold and silver, in the Bank, and that was not the state on any one day, but on the quarterly balance; and when the Chancellor of the Exchequer recollected the situation in which the public credit was at that time, he (Mr. Hume) was sure that the right hon. Gentleman had not reposed on a bed of roses. At that time, as already stated, the circulation of the Bank was 32,000,000*l.*, or rather, including circulation and deposits, it was 32,265,000*l.*; and, including the joint stock and private bank notes and Exchequer-bills, there were 73,285,600*l.* in paper out, to meet which there were but four millions of bullion in the Bank; and, in addition to this, the deposits in the savings' banks amounted to eighteen or nineteen millions, which might have been called up at any time; so that if the panic had continued a short time longer, and had increased to what it was in 1825, the Bank and the Government would have been placed in a situation in which he would be sorry to see a government or a banking establishment at any time. They would have been bankrupt. The right hon. Gentleman was going on a system of from hand to mouth, and there was nothing permanent or safe in the state of the finances of the country; each Chancellor of the Exchequer seemed to rest satisfied if he could pass through his own time, regardless of the loss he occasioned to the public revenue, and indifferent as to the risk he might run, or the dangers to his successors. He (Mr. Hume) thought, that the House ought not to be satisfied to meet the deficiency in the revenue by adopting the plan proposed by the right hon. Gentleman of a vote of credit. The right hon. Gentleman had, indeed, shown the difference which had taken place in the revenue and expenditure, between the last and the preceding year, but he had omitted to show the reduction of two millions in the amount of money in the Exchequer, so that there was an actual decreased means to that extent. He, therefore, again confidently stated, that the finances of the country were not in such a condition as that the House should favourably receive the proposal of the right hon. Gentleman. He (Mr. Hume) called upon him to reduce the expenditure of the army, the navy, and the ordnance, which had been increased 1,400,000*l.* and upwards, since the year 1835; and whenever the time came to move the vote, to provide for the deficiency, he should oppose it, and would certainly take the sense of the House against it. The right hon. Gentleman had told the House that there were only two ways of meeting the deficiency—first, if it were permanent, by an increase of the funded debt, and, if it were only temporary, then by an advance upon the credit of Exchequer-bills. Whilst he (Mr. Hume) thought that, as there had been a great excess of expenditure during the last three years over what had previously been, and more than was absolutely necessary, it behoved the House not to add to the public debt, in either of the ways suggested by the Chancellor of the Exchequer, but to reduce the expenditure of the country, and thus to provide the means which the right hon. Gentleman required of keeping the expenditure within the income. For himself he would entreat the House to oppose the increase of the debt in every way, and compel the Government to pursue that course of economy and retrenchment to which they were pledged; but to which pledge they had not for the last three years attended.

Mr. *W. Williams* said, that although the hon. Gentleman who had resumed his seat, had not entered fully into the subject of Exchequer-bills, he (Mr. Williams) would show, that a large sum of money might have been, and ought to have been saved by a reduction in the rate of interest which they bore. When the right hon. Gentleman, the Chancellor of the Exchequer, a few nights since, at a very late hour, moved a vote of 24,000,000*l.* to cover the Exchequer-bills out, he had asked at what rate of interest they were to be issued? and was astonished to hear in reply, that they were to bear interest at twopence per day, or at the annual rate of 3*l.* 0*s.* 10*d.* per cent. And the right hon. Gentleman had imputed rashness to him in the statement which he had then made, as to the rate at which money could be borrowed. He had not stated, that money was not worth more than two per cent. for any period; but what he had stated was, that it was not worth more than two and a half per cent. on ordinary securities, and that it might be borrowed, for a short term, at two per cent. Since that night, he had been informed by persons well versed in mercantile affairs, that any sum might be raised on ordinary security, at two and a half per cent., and that it might be procured at two per cent. for short periods, almost to any amount. He had then expressed, as he did now express, surprise that the public credit of the country should be in a lower state than that of ordinary individuals, and especially that it should be lower than the credit of the East-India Company; but he found that such was not the fact; for if they looked at the price of Exchequer-bills, bearing only three per cent. interest, it would be found that the premium upon them amounted to three and a half per cent., or more than the whole twelve months' interest. If, however, he had not expressed it before, he had expected that the right hon. Gentleman would have now stated his regret at the advance in the rate of interest, and he (Mr. Williams) was sorry that the right hon. Gentleman had not so done. The right hon. Gentleman's arithmetic also differed from his, for the right hon. Gentleman had stated the loss to the country between the interest of 1½d. and 2½d. per day to have amounted only to 396,000*l.*, whereas, according to his (Mr. Williams's) arithmetic, the loss was as much as 547,000*l.* The calculation was easy, the time was for six quarters, the amount twenty-four millions and upwards. Perhaps the right hon. Gentleman would look at his figures again, and settle the difference; but he (Mr. Williams) stated again, that the advance of the rate of interest on Exchequer-bills, made on the 21st of November, 1836, had made a difference to the country of not less than 547,000*l.* The rate of interest had been raised in 1825, but what was the state of the country when the right hon. Gentleman opposite raised the rate of interest from 1½*d.* to 2*d.* a day? The rise in 1825 was ordered on the 19th of December, 1825, at the very commencement of the panic? but Exchequer-bills, in less than a fortnight from that time, were at a discount of eighty-five: the premium was by no means increased. But Exchequer-bills in 1836 had not decreased in value to a discount before the right hon. Gentleman had increased the rate of interest on them to 2*d.*, and afterwards to 2½*d.* The question, however, was, at what rate of interest could the Chancellor of the Exchequer now raise the necessary money on Exchequer-bills? For six years the rate of interest had been only two and a quarter per cent., and yet the right hon. Gentleman had advanced it to three and three-quarters per cent. He said that there was no necessity for that advance, for if the right hon. Gentleman had only proposed a large funding of Exchequer-bills, he would have prevented all inconvenience; and even without this they never bore a rate of premium so low as at any time to make it answer the purpose of any party to pay them in for taxes—No interest was allowed on the time unexpired after they were paid in; they never came down so low as to make it worth any one's while to pay them in; but suppose they had fallen so low, even then a proposal for funding them would have prevented the necessity of raising the rate of interest. The Exchequer-bills bearing an interest of 2*d* a day were now at a premium which amounted to three and a half per cent., or more than one-half per cent. more than the whole interest upon them. And yet the right hon. Gentleman said, that he could not borrow the money upon the same terms as it had been borrowed during the last six years. Why, there never had been a period when money was so abundant, so easily raised, and so plentiful as at the present time. This was not only shown by the rate of premium on the Exchequer-bills, but the East-India Bonds which only bore an interest of three pounds per cent. were at a premium of upwards of 80*s*. so that people were actually offering a year and a quarter's interest for the purpose of getting possession of bonds bearing an interest of three per cent. He believed there was not an individual in the country acquainted with the money market would agree in the opinion of the propriety of the course pursued by the right hon. Gentleman. The right hon. Gentleman had asked him (Mr. Williams) what proof there was that the money could be borrowed at so cheap a rate, when the consols were only at a little more than three per cent.? He was astonished that any Gentleman should have asked such a question, and still more astonished was he that such a question should have proceeded from the Chancellor of the Exchequer. Did not the right hon. Gentleman know the difference between an Exchequer-bill, which was paid in full under any circumstances, and consols, which, though now at ninety-four, might fall any day and occasion a great loss. In 1825 they were at ninety-four and a half, but they came down quickly to seventy seven and a half, so that a person buying in at the highest time, and selling out at the lowest, would have suffered a loss of nearly twenty per cent. And this was why Exchequer-bills might always bear a lower rate of interest, because there was no risk, and the principal was sure always to be paid in full. If they looked at the rate of interest on Exchequer-bills for a course of ten years, except during a short interval, it had only been two and a quarter per cent.; and although the interest in the funds might have been three and a quarter per cent., yet one security was at least as valuable as the other. Now the interest on the Exchequer-bills was nearly equal to that on the consols, and he would ask whether with reference to the state of the finances of the country, this was proper? During the last fifteen months the right hon. Gentleman had given one-half per cent. more interest on Exchequer-bills than he need have given in the funds; and if the country was losing by the unfunded debt, why did he not fund it? There never could be a better time. Now, however, he was suffering a loss of the public money; and if he would only issue advertisements for tenders for Exchequer-bills at $1\frac{1}{2}$*d.* interest, he (Mr. Williams) was sure that the tenders would be soon made to as large an amount as the right hon. Gentleman might require. Why, then, should the public lose so large an amount by the high rate of interest? He could see no reason for the advance which had taken place except that there might be a connection between the Treasury and the Bank. The Bank was in distress—it wanted to dispose of a large amount of Exchequer-bills, and to prevent loss by the sale, the right hon. Gentleman came forward and advanced the interest. The consequence was, that in a short time the premium rose to 30*s.*—as much as the advance which had been made, a sure proof that the money was thrown away. The other evening he had stated that the cause of the great pressure on the money market in 1836 and 1837 was produced by the transactions between the Treasury and the Bank relating to the West-India loans. The right hon. Gentleman had challenged him to prove the fact. He was now ready to prove it, but as his hon. Friend (Mr. Hume) was to bring the question before the House, he would not then enter into it. He hoped, however, that the House would not sanction such a waste of the public money, and he called upon them, as the representatives of the people, to do their duty in that House, and to interpose between the country and the right hon. Gentleman the Chancellor of the Exchequer. If any Gentleman well versed in commercial affairs would state in the House that the money could not be raised at the lower rate of interest, he (Mr. Williams) would admit that he was in error. He was sure, however, that no one would make such a statement; and, therefore, he hoped that the House would not permit a greater expenditure of the public funds by the Government than was absolutely necessary, or there would appear to be required to be laid out in the case of any ordinary individual. Too much power had already been placed in the hands of the Treasury, and he was really of opinion that a question of such importance as that to which he was now referring, ought not to be left to the sole discretion of the Treasury Board; but he must express his belief, that the reference of the question to a Committee of this House was necessary for the purpose of securing the public from unnecessary and wasteful expenditure. Such was the course pursued by the chamber of deputies in Paris at every session, and he was convinced, that the adoption of a similar proceeding would be attended with the greatest benefit. So certain, indeed, was he of this, that he should feel it to be his duty at an early part of the next session of Parliament to move, that such a Committee should be appointed, in order that they might exercise a control over the cash transactions of the Treasury, and in order that they might investigate the expenditure of the public money under the Appropriation Act. In conclusion, he must again express a hope, that the House would interpose its authority between the right hon. the Chancellor of the Exchequer, and the people to prevent a waste of the public money, and he must repeat his conviction, that such an effect might be produced by the adoption of a suggestion which he had already thrown out for the reduction of the rate of interest from 2d. to 1½d.

Mr. *Goulburn* said, that it was not his intention to make many observations on this subject, which was so important to the interests of the country; but, nevertheless, as this was one of the few occasions on which an opportunity was afforded to Members of that House to express their opinions on the state of the finances, he felt himself called on to say a few words in reference to it. He must say, that the very short address which he proposed to make to the House would be very much decreased in length by what had fallen from the hon. Gentleman who had just sat down, because, in respect of much that he had said in reference to the funded property of the country, he entirely concurred. At the same time, however, that he made this admission, he could not concur in the observation of that hon. Gentleman, that any control ought to be exercised by a Committee of the House in the manner suggested by him over the financial transactions of the Treasury. The view taken by the hon. Gentleman, was not certainly one in which he coincided, because he felt that it was due from those who took an interest in the matter, to call the attention of the House to it; and this course was not only called for at the hands of those officers in whose care the finances of the country were placed, but also by that respect to which the House was entitled. He must say, also, that he certainly did not agree with the hon. Gentleman, the Member for Kilkenny, in the statement which he had this evening again repeated with respect to the real causes of the embarrassment of the country. The exertions made by the hon. Gentleman, were always most laudable, but he must disagree with him in the rule which he had endeavoured to impress on the House, that the only real means of conducting the affairs of the country, was to continue in obtaining the greatest possible reduction in the expenditure of the Government. Now, it was doubtless always expedient and necessary to make such reductions as were compatible with the state of the country, and with economy; but his object had always been to impress on the House, what appeared to have been forgotten by the hon. Gentleman, that real economy did not consist in a niggardly reduction of the official establishment, so much as in the careful husbanding of the means of the country; and that although there was the greatest expediency in endeavouring to procure a reduction of the debt which pressed so heavily on industry; yet the course which was the most advisable to be pursued, was such as should be best calculated to keep the resources of the country in a state of elasticity, so that they might speedily recover the effect of any sudden shock which they might sustain. The truth of this argument was espressly affirmed by the statement made by the right hon. Gentleman, the Chancellor of the Exchequer. For what said he? He said, that there had been an expense of one million incurred, in order that the necessary means might be afforded for putting down the insurrection in Canada. He would only ask any hon. Member who had at all looked into the transactions accompanying that revolt, into the effects and circumstances attending which it was not necessary for him to go, whether the great proportion of this expenditure might not have been saved if there had been a limited augmentation of the establishment, by which the continuance of the existing tranquillity of the country might have been secured — an augmentation which might have been supported at the comparatively trifling cost of 20,000*l.* or 30,000*l.*,—and whether, therefore, instead of the extravagant outlay alluded to by the hon. Member, a positive saving would not have been effected. He would not, however, pursue this part of the subject any further, because it would more properly come under discussion, when the vote which was hereafter to be proposed, should come under consideration, for he was firmly of opinion, that such matters best met with the attention of the House in moments of calm and temperate inquiry, rather than at times when the debate was of an opposite character. He was anxious to impress on the House, however, that real economy consisted in keeping the public debt in such a state as that it was capable of being easily managed, and he had to complain that under the administration of the financial affairs of this country of the right hon. Gentleman opposite, there was far from having been any reduction of that debt, but that, on the contrary, the alteration which had taken place in it was an increase in its amount; and he was prepared to say, that the augmentation was such as to have led to the difficulties in which the right hon. Gentleman found himself placed, and which, if a due degree of watchful care were not taken, might eventually lead to consequences to the country of a most alarming nature. With respect to the public debt, if its present total amount were compared to its amount in the year 1831 and the year 1836, it would be found that there had been an augmentation of the capital or funded debt; and if the total charges of the debt at the same periods were compared, a similar result would be discovered. This was the case at the time of peace and of plenty, and of unusual and boasted prosperity; and this, too, when there were no evils of a commercial nature to be complained of, and when, therefore, if at any time, one would have imagined that the debt could have been reduced. It was not of this alone, however, that he had to complain, but he complained on another ground. The House would remember, the hon. Member for Kilkenny he was sure would remember, that in 1828, the principles on which the sinking fund was supported were described by the hon. Member to be a fallacy, and was declared by the House to be of an objectionable nature. In order to keep up that fund while specific sums were applied to the reduction of the public debt, another debt was created at the same time, equal and sometimes even greater than the amount paid off. In 1828 it was declared by Parliament that this system should cease; and in 1829 it was laid down as a rule for the conduct of those who should afterwards have the government of the financial affairs of the country that the surplus of the public funds should be clearly and positively stated every year; and that no debt should be incurred merely for the purpose of paying off debt in order that the public and the country might really know what was the amount of the surplus in the hands of the Government. Now, under the operation of this law, during the period that the right hon. Gentleman had been in office, he had been guilty of a violation of its principles, and had produced to the public a false account—he did not mean false as conveying any imputation on the right hon. Gentleman, but an erroneous account of what had been the surplus, and an equally erroneous account as to what was applicable to the payment of any deficiency which might appear. Under the bill of 1829 it was declared that whatever real surplus might arise after the expenditure was defrayed should be applied to the reduction of the debt, and provision was made that it might be applied to the reduction of the amount of Exchequer bills, or in the absence of them to the purchase of deficiency-bills. He did not object to this latter course, because occasions might arise when the greatest and most important interests of the country might depend on the necessity of so applying part of the funds, and it was the intention of Parliament that they should be so applied; but yet it was found that during the last three years what had been stated as the surplus revenue had been applied to the reduction of deficiency-bills. The hon. Member for Kilkenny had already said, that there were perhaps some Members in the House who were not acquainted with the exact character of deficiency-bills, and he would just explain to the House the effect of applying the public funds to meet them. It was known that the Government were bound on each quarter-day to provide the amount necessary for the payment of the dividends on the consolidated fund. The course formerly adopted was, that the revenue was permitted to accumulate during the whole quarter in the hands of the Bank until quarter-day, when it was required to be paid. This, it was found, was attended with loss, and therefore it was determined to apply the public money as it came in to general purposes, without allowing it to accumulate, and at the quarter the deficiency-bills were issued, when the required amount of money was not at the Bank, for the security for the payment of the debt necessarily incurred with the Bank for the payment of the funds advanced, and it was proposed that these bills should be paid during the ensuing quarter. If, therefore, it was stated that there was a surplus revenue of a million, and the public were led to believe that it was an actual surplus, and if five, six, or seven hundred thousand pounds were applied to the payment of these bills on the one hand, or of the public debt on the other, what was it but the very fault intended to be remedied and prevented by Parliament in the act of 1829, and did not the Government lead the public to entertain erroneous views in reference to the revenue? Yet this was the practice adopted, and it was against this that he most strenuously protested. With regard to the unfunded debt, he might almost repeat what he had said before; and he must say, that it was a subject which had been the source of considerable anxiety and attention. The hon. Member opposite had stated in his speech that the amount of Exchequer-bills was very considerably reduced, the reduction being four millions; and he had stated, that the extent of the issue of them did not exceed that of 1827, and he therefore inferred that the amount was not greater than was required by the state of the market. This evidence would be conclusive if it had not been met by other parts of the statement of the same hon. Member; but these, as well as the observations of the hon. Member for Coventry, whose authority and experience on the subject every one must respect, completely overset his inferences. The right hon. Gentleman himself, however, in endeavouring to maintain that the amount was not greater than was required, said, that the public prosperity was concerned, and that if he did not maintain the interest at more than the rate of three per cent., the persons who otherwise would be disposed to purchase Exchequer-bills would be induced to embark in those wild speculations at present going abroad, and would probably so far involve themselves as materially to suffer by their adopting such a course. But this was altogether fallacious; and, if it were not, was that the principle on which the Government should proceed? It was fallacious, because the right hon. Gentleman imagined that the public and the individual who was the purchaser of the bills received the interest paid by Government. But it was not the fact, that if the Government paid three per cent. on Exchequer-bills, these parties would receive it; for there would be found plenty of persons who were willing to take them at 72s.; and the principle, therefore, was to reduce the interest to the rate paid in the market, so that if it were proposed to raise money on Exchequer-bills at five per cent. it would have no effect, for the public would pay the full per centage, while the individual who bought the bills would make no more than by any ordinary speculation. The argument, therefore, was a fallacy, for the payment of Exchequer-bills did not depend on the amount of interest paid, but on the state of the money market. If, however, it were true, as was stated by the right hon. Gentleman, in what situation did the admission place the Government? No dependence was to be placed on all those ordinary means by which the Government had hitherto been in the habit of raising money. No attempt was to be made by the Government to avail itself of the additional security which its name would afford, nor was it to avail itself of the high credit which it had invariably supported by its uniform good faith; but they were to go to market precisely on the same footing as if they were speculators without any such means as those he had suggested to support them. This was a plan which must soon utterly fail and break down, attended as it was with the greatest difficulties and inconveniences, and calculated as it was to involve the Government in principles which were altogether false. But the right hon. Gentleman said, that he must keep Exchequer-bills to meet the demand; and this he was prepared to admit; but, at the same time, the right hon. Gentleman must do so, taking due care that the amount should not exceed the demand, and in considering this, he must look not at the numerical amount of Exchequer-bills alone, but at all the other circumstances of the country, and he must take care not to add to the natural difficulties which the system must create, if it should not be kept within proper bounds. He was prepared to contend, that if the right hon. Gentleman had attended to the reduction of the unfunded debt, he would not have been in the position of being obliged to raise the rate of interest; but, at the same time, situated as the right hon. Gentleman found himself, he had no hesitation in admitting that he was right in the step he took in that respect. It was true, that the Exchequer-bills were not now higher than they were in 1827, but were the public now in the same situation as then? They must consider the Exchequer-bills as payable on the demand of the party holding them, and they must recollect, too, that the Government had not only the difficulty of being compelled to provide for the payment of them at ordinary times, but also that they could not when any sudden call was likely to be made, avail themselves of the issue of an additional 500,000*l.* or 1,000,000*l.* to meet the casual want. It was not then the numerical amount which was to be considered, but all the other circumstances which might tend to increase the danger in case of any sudden emergency; and he would tell the right hon. Gentleman that there had been a great alteration in the circumstances of the country in this respect. In 1827, when Mr. Canning had only twenty-four millions of Exchequer-bills, and proposed to raise three millions more, what was the amount of deposits in savings' banks? There were no deposits. What was it now. Twenty millions; so that if there should be any sudden want—if there should be a bad harvest, with which, thank God, this country had not been afflicted for some years, but which, nevertheless, might occur sooner than was expected—or if there should be any other cause by which the people would be compelled to fall back on their own resources, how were their demands to be supplied if there should be a sudden call for their deposits, such as had been made in France some time ago? Government would not only have to meet these demands, but they would have to meet them under the additional difficulty of their having no funds at their disposal but stock, which they would be compelled to sell at sixty or seventy, having purchased it at ninety-three or ninety-four. He was not calling on the House to reduce the amount of interest paid, but he was simply doing all he could to put the case to the House of the poor being compelled to rest on their own resources, and of all adventitious aid being withdrawn from the Government, and their being left to meet the demand which would be made upon them, and which they would have to meet from their own resources; but he said that the House was bound to protect the country against the risk which would be run, and from the danger to which the public would be exposed in the event of the present system being allowed to continue. He had already said more than he had intended, and he regretted having so long occupied the attention of the House; but he was really anxious to point out to the House the apprehensions which he felt, because at the moment of calamity or difficulty it was impossible to reflect on the dangers which might be produced by the continuance of a system so bad in its details, while it was easy to make provisions for the future when the evils which might follow were foreseen; and when he made this statement to the House, he did so, declaring that he would take an early opportunity of submitting to the consideration of the House the real state of the debt of the country, and he sincerely trusted that some measure might be adopted by which, in case of difficulty, whether it arose in consequence of a bad harvest, or of a foreign war, or a revolt in the colonies, or any of those other calamities the nature of which prevented their being anticipated, the resources of this mighty empire might be immediately applied without difficulty, and without producing any of those concussions or disturbances which were so much to be regretted.

Mr. *M. Attwood* was understood to admit, that it was right to raise the interest of Exchequer-bills, but that ought not at any time to be done from any sudden fluctuation in the money market. The rate of the interest of Exchequer-bills ought to be regulated by the general rate of interest in the money market, but Government ought not to alter the rate of interest until the money market was in a settled state. He contended, that the calculations of the Chancellor of the Exchequer as to the probable amount of the revenues of the years 1835, 1836, and 1837, were incorrect; but the right hon. Gentleman now balanced the surplus of one year against the deficiency of the other, and in that way he claimed credit to himself as being a true prophet as to the income of all those years. The right hon. Gentleman now found, that he had a deficient revenue, but would he put on a new tax to supply the deficiency. If the right hon. Gentleman did attempt to impose a new tax, he could tell him that his tenure of office would be very short. In what way, then, could his deficiency be supplied? The Government could not reduce any of the departments of public expenditure. These they had brought too low already for the service which the country required. What, then, must they do? They must borrow; and if they borrowed in the only way that was fairly open to them—that was from the Bank—they must depreciate the currency, for in proportion as they borrowed must they depreciate the currency in which they borrowed.

Mr. *Gillon* felt that the debate had been carried on on too narrow a basis, as the discussion had almost entirely been confined to the rate of interest on Exchequer-bills; but there were many other grave topics which, on taking a review of the financial state of the year, it was necessary to regard with attention. He trusted, that those disasters which the hon. Member for Whitehaven said would befal the country would be found to be fallacies, and that those anticipations which the right hon. the Chancellor of the Exchequer had expressed with regard to the future prospects of the revenue would be realised; and he had heard the grounds which the right hon. Gentleman had given for such inferences with great satisfaction. He thought that in the present circumstance of a defalcation in the revenue it was necessary that the Chancellor of the Exchequer should pay the greatest attention to the financial circumstances of the country. He had heard with regret that there was to be no reduction in the taxes of the country; but he was convinced that by changing the mode of levying many of the taxes a considerable increase of revenue would be obtained, and then great relief would be afforded to the country. This was particularly the case in the Excise department, where from 600,000*l.* to 700,000*l.* a-year might at once be obtained by adopting the suggestions of the Commissioners of Revenue Inquiry. He was convinced, that by reducing the soap duties one-half they would get more than the present amount of revenue, and at the same time considerable relief would be afforded to the public and the manufacturer, and it would put down the illicit manufacture. Again, in the Customs, by altering the duties on timber, more than 1,000,000*l.* a-year might be brought into the Treasury, and in addition to this commerce would be benefitted, and the public would be gainers by obtaining a better article than at present, at a cheaper rate. The greatest advantages would also be bestowed on the commercial and manufacturing interests of the country by getting rid of the Corn-laws, and this might be managed in a way so as to be highly productive to the revenue.

Mr. *Hutt* could not let the present discussion close without making a few observations, as he felt a deep interest in one or two matters that had been adverted to. The Chancellor of the Exchequer had informed the House that the country had no surplus revenue, and that he therefore could propose no reduction of taxation. This, he was sure, was a statement which could not be satisfactory to the country, but it was a matter of necessity which there was no resisting; it was one of those vicissitudes to which a commercial country was exposed, and which was not chargeable on either the Government or the Legislature. He could not help feeling, however, that some degree of censure was justly due to the Government and the Legislature, for there had been an evident indisposition on the part of both to inquire into those causes which had so often paralysed the commercial transactions of the country. When his hon. Friend, the Member for the Tower Hamlets, moved for an inquiry into the joint-stock banks, the right hon. Gentleman, as well as the leading Members on both sides of the House, resisted the motion to inquire into the proceedings of the Bank of England as regarded their mode of dealing with the circulating medium. It was the opinion of Mr. Thomas Tooke, and other enlightened men, that the power which the Bank of England had of expanding or contracting the revenue of the country was one of the main causes of the crises it had experienced. This was a matter of great importance, and required the most serious consideration; and it was one that the Chancellor of the Exchequer ought never to lose sight of. He did not believe that Gentlemen opposite were satisfied that the monetary system of the country was in a sound state. This was evident from the effects that the proceedings of General Jackson in the United States had had on our financial proceedings; for it caused such a run on the Bank of England that it reduced the amount of the precious metals in its coffers to about four millions; and if the run had gone on but a short time longer it would have caused a panic, and no doubt would have led to a commercial crisis, attendant with all its evil consequences. On this subject Mr. Tooke made some pointed observations, and dwelt upon the injudicious proceedings of the Bank of England. Looking to the speculative character of the country at the present moment, he asked, whether it were not one which should be regarded with great alarm? He therefore entreated the Chancellor of the Exchequer narrowly to watch the proceedings of the Bank.

Colonel *Sibthorp* said, that during his experience in Parliament he never saw a Chancellor of the Exchequer in so woful a plight. After they had heard so much of former Administrations—after they had been told of the retrenchment and reform which the present Ministry intended to introduce—and the good it was to produce —after all this the Chancellor of the Exchequer declared that there was a deficiency of two millions. Now, bad as that was, it was better than he expected. If all their debts had been paid—all the expenses of Commissioners and the other demands upon them—it would amount not to two millions, but to four millions. He had a motion for the 31st of May for inquiry into this subject, and he hoped to open the eyes of the House and the country to these most (politically) infamous proceedings. They had been told of former Administrations—they had been told of Mr. Canning, a Gentleman of whom he should say that he filled his situation on the Treasury Bench better, far better, than any hon. Gentleman who now enjoyed a seat there—but what had former Administrations to do with the subject before them? What had Mr. Canning to do with it? They might as well have gone back to the days of Noah as to those of Mr. Canning. He never saw before, a Chancellor of the Exchequer come down to the House upon a similar occasion with so pallid a countenance. He never before saw a such despair pictured in the face of an hon. Gentleman filling that important situation as upon this occasion. It was time to look to this state of things. If the hon. Member for Kilkenny would, as he called it, take the bull by the horns, and pursue his motion for inquiring into the Bank of England, he should be exceedingly pleased. The governor or deputy-governor of the Bank of England was not infallible, and there was no doubt that some errors had been committed in that establishment. With respect to the reduction of duties he could only say, that he deeply regretted that the right hon. Gentleman, the Chancellor of the Exchequer, had not thought proper to acquiesce in his proposition, to lessen the duty upon fire insurance; it was a most important subject, and a reduction of that kind would be productive of the greatest public benefit. It was a most dangerous course to attempt to mislead the public with respect to the revenue. The Chancellor of the Exchequer should have come forward manfully, fearlessly, and candidly, and have told the public the dangerous state of the revenue. He could not give much credit to their statements. He had no confidence in the Ministers of the Crown, and least of all in the Chancellor of the Exchequer. They were unable to manage the public affairs, and they ought to tell the people so. The very best thing they could do would be to walk out of the House, and let the people be done with them.

The *Chancellor of the Exchequer* was

conscious that that statement could not prove satisfactory to them; but of the observations which it called forth he had no complaint to make, on the contrary he felt obliged for the manner in which what he had said had been received. It was therefore only necessary that he should then very briefly allude to a few of the topics which had been noticed in the course of the evening, but in doing this he should limit himself as much as possible to that which was barely necessary. He wished in the first place to correct an error into which the hon. Member for Coventry had fallen, who had represented him as saying, that the expenses for six quarters on Exchequer-bills was 396,000*l.*, when, in fact, it was 547,000*l.* [Mr. *Williams:* I said that that was the amount.] He had stated the expenses for six quarters to be 396,000*l.*, and that that was the true amount; he had never represented that sum as being the expense for a year. Another observation made in reply to him, and to which he wished to direct the attention of the Committee, was the rate of interest payable on East-India bonds as compared to Exchequer-bills. The hon. Member, however, omitted to state, that the East-India debt was in course of being paid off, that it was about to be reduced by one-half (1,700,000*l.*). That circumstance of course operated most powerfully upon the rate of interest on India Bonds. A right hon. Gentleman opposite said, he doubted not so much the propriety of raising the interest on Exchequer-bills, but whether the change was made in sufficient time. He knew, that from the moment he took that step he should have to contend with those who objected altogether to such a step; but it was sufficient for him to state that he had not interfered until the state of the Exchequer-bills market at the time demanded an increase of the rate of interest. The hon. Member for Kilkenny, and also his right hon. Friend opposite (Mr. Goulburn), had omitted, in adverting to the state of the debt, to take into account the reductions which had previously taken place as well as the increase of charge which had been occasioned by the 20,000,000*l.* West-India loan. During the period which had elapsed since he was connected with the Treasury from 1831 up to the present time the reductions which had taken place were very great. From January, 1831, to January, 1832, a reduction in the debt had been effected to the amount of 2,000,673*l.* In 1833, the reduction was only 5,600*l.*, in consequence of there being a deficiency of income during a very considerable period of that year. In the following year a reduction of 1,123,000*l.* took place; in 1835, there was a further reduction of 1,776,000*l.*; in 1836, a reduction of 1,270,000*l.*; and in 1837, 1,590,000*l.*; making a total reduction of about 10,000,000*l.* in those years. He would therefore say, that in adverting to the increase they were compelled to make to the public debt on any particular exigency, it was but fair they should take into the account the reductions which had been effected within the period to which he had alluded. When his hon. Friend taxed him with not going far enough in the course of reducing the expenditure, he must say it was necessary to be on their guard, lest they should be betrayed into very serious mistakes on that point. He was not going to argue the general question with regard to the expense of our establishments, particularly with reference to the revenue, but he would say boldly his doubt was whether they had not already gone too far. Taking, for instance, the Excise department, he very much doubted whether, judging from the complaints he had received from many of the traders and manufacturers, that establishment was not under-manned and under-paid, and thereby exposed to those temptations of corruption which it was so desirable should, if possible, be altogether excluded. As to the Customs also, throughout a great part of the country, in Great Britain and Ireland, but more especially in Scotland, in the great importing towns of Dundee, Glasgow, and the ports of the Clyde, frequent representations had been made that the present Customs' establishment was wholly insufficient for the extent of business carried on; and therefore, if for the sake of economy they attempted further to reduce their establishments, so as to hazard the amount of the revenue, they would fall into the old mistake, *et propter vitam vivendi perdere causas.* At the same time he begged to remind the Committee that there was already a bill on the Table, and he hoped to introduce others which would have the effect, by consolidation and proper regulation, of increasing the efficiency of those departments of the public service. His hon. Friend, in alluding to what he had said in 1836, had undoubtedly stated the figures accurately; but he had given no exaggerated statement of the finances of the country at that time. On the contrary, he spoke the language of caution. The hon. Member for Kilkenny had adverted tothe question of the saving-banks, and he was rejoiced to hear the observations which had been made on that subject by his right hon. Friend (Mr. Goulburn) opposite,who took a just and a right view of the degree of responsibility which rested on this country in respect of the amount of capital which they were liable, under this head, to pay on demand. He was delighted to hear his right hon. Friend say, that he could not contemplate or suggest, as a mode of economy, the looking too narrowly or astutely to the interest which the depositors in saving-banks now received. He did not mean to say, that, under all circumstances of the value of money, their hands were to be tied up from reconsidering that matter, but if ever there was a question which they were bound to approach with the greatest possible mistrust and caution, it was the meddling with the interest which the parties were entitled to receive from saving-banks. It was not to be regarded as a mere matter of figures, though much undoubtedly might be said on the subject in that view; but, regarding it as a means for the encouragement of industry, which necessarily reacted on the revenue in many ways, nothing could be more mischievous than to beget or give a colour to the idea, that when they wished to be economical, they began by violating the good faith of the country, and endangering the property of the poor, by any saving they might effect in reducing the interest payable to the depositors in saving-banks. The hon. Member for Kilkenny had quarrelled with him because he had not gone at greater length into a detailed statement of the exports and imports. It was perfectly obvious that there could not be such a crisis as the country had passed through, their relations with America being wholly deranged, without producing a considerable effect on the export trade and condition of manufactures; but having formerly entered at great length into this general question, and, he feared, exhausted the patience of the House. he had not thought it necessary again particularly to advert to it. The hon. Member for Kilkenny seemed also to think, that he should, on the present occasion, have gone into details respecting the precise state of the American trade; but that was surely not the proper time, place, or opportunity for discussing the merits and effects of the measures of President Jackson and the other American authorities. Still he could not touch on the subject without paying a tribute which he felt was justly due to the American people and merchants. On a former occasion, in the course of last year, he had said that they (the American merchants) were the depositaries of the public credit and character of their essentially commercial country, and unless they made every effort to discharge their duty to England, they would be cast among the nations of the earth, and endanger all their real sources of future greatness; he felt, therefore, it was no more than fair to say, and he believed every commercial gentleman would confirm his statement, that the efforts of the Americans had been great, and their character had been fully supported. He hoped this would encourage them to persevere in making good all their engagements, and to act up fully to the principles on which they had hitherto proceeded. He did not think his hon. Friend had given him sufficient credit for what he said on a former occasion with respect to the reduction of the interest on Exchequer-bills. What he said was, if the symptoms afforded a likelihood of an advance in the value of money, and if that advance in the value of money in the market generally should have the tendency to reduce the value of Exchequer-bills, they ought to hesitate in reducing the interest. His hon. Friend had adverted to various contingencies which would set at nought all human calculations; but all that he could do was to make the best statement he could in anticipation of ordinary events, and without taking into account the extraordinary calculations which had been alluded to. But in order to give anything like consistency to the views of the hon. Member for Coventry, it would be necessary for him to prove that facts were precisely the reverse of what they now were, that the exchanges were becoming daily more adverse, and that the treasure in the coffers of the Bank of England was diminishing. But so far from that being the case, the treasure in the Bank presented a most favourable contrast to the position in which it stood when the hon. Member for Coventry last year comparing its liabilities with the amount of treasures, declared that it could not pay 2*s*. 8*d*. in the pound. If the hon. Member would compare the accounts then with what they now were, his inference must be, not that the Bank was advancing towards depreciation, but that the state of the currency, as managed by the Bank of England, was much more satisfactory than at that period. This was undoubtedly a large question, too momentous to be incidentally discussed, and requiring the most serious consideration of Parliament; it would be opened on the motion of the hon. Member for Kilkenny, and till then he trusted he was only discharging his duty by reserving what he had to say with respect to it, when it would come regularly before the House. But he must assure hon. Gentlemen, that it was impossible for any one to view this subject more seriously than he did, or with a greater anxiety to have it well, patiently, and wisely considered. At the same time he had observed in discussions upon this question, rather an anxiety in various quarters to recommend favourite theories than to deal with the facts as presented to them. From 1825 up to the present time some new theory had been propounded in almost every discussion which had taken place, in order to do away with all the difficulties of the case. In the time of Lord Liverpool the wild proposition was made for the establishment, without the regulation of Parliament, of joint-stock banks throughout the country, as a remedy for all the evils then complained of; and not many years afterwards as strong an outcry was raised against joint-stock banks, as the grand origin of the commercial difficulties of the country; and it was said, if the joint-stock banks were only put down, all those evils would be remedied. Before the last Charter Act a strong opinion had been entertained by a great number of gentlemen in and out of that House, that it was absolutely necessary to put an end at once and for ever to the monopoly of the Bank of England—that a free trade in banking was as necessary and as useful as a free trade in baking; while it was afterwards maintained, that it was necessary to proceed on an entirely opposite principle, that all competition in banking must be put down, and that the Bank of England should have the universal control over all the monetary system of the country. He only adverted to these points for the purpose of entreating Gentlemen to come to this discussion fairly, not with the view of recommending some particular theory or nostrum, but to consider it as a whole in its extensive and important relations to the commerce and manufactures of the country, in order to devise, if possible, some improvement of the law in that respect. If they thought by any standard they could set up to revive the golden age, and free trade from all its vicissitudes through alternate excess of speculation and depression, they were mere visionaries; for no state of the currency, no standard, could protect the public from the effects of commercial vibrations. In conclusion, he would again thank the Committee for the attention they had paid him, notwithstanding the very imperfect manner in which he had been enabled to execute his duty.

Sir *J. Reid* did not rise for the purpose of going into details with reference to the conduct of the Bank of England, particularly as a day had been fixed when he should be quite prepared to enter into the subject and when he flattered himself the Bank would be enabled to vindicate the course which on all occasions it had pursued. He chiefly rose to avail himself of this opportunity of confirming the observations which had fallen from the right hon. Gentleman with reference to America. He did think the conduct of America had been most honourable. From his own knowledge, connected as he was with a very considerable number of merchants, he was enabled to say, that in many cases they made sacrifices to the extent of ten, twenty, and thirty per cent., in order to meet their liabilities to this country. He had often wished to have an opportunity of stating his sentiments on this subject. He felt satisfied, that their debts would be paid, which were now in a course of liquidation, and his firm belief was, that the confidence which existed between the two countries, and properly so, would be increased, and the trade between America and England would be greater than ever. With respect to the fault found with the Bank, that Corporation did all it could to promote the interests of the country, and he regretted that it was so often found fault with. But the Bank must bear it.

Mr. *Easthope* was greatly surprised at hearing the statement made by the hon. Baronet the Governor of the Bank of England as to the present rate of interest on Exchequer-bills. He himself accidentally knew of a large concern, which having had occasion to borrow money on Exchequer-bills had done so at the rate of two per cent. Entertaining the objections he did to the present rate of interest on

Exchequer-bills, he had watched with very considerable curiosity—indeed, he might call it anxiety—to discover, if possible, on what grounds the right hon. the Chancellor of the Exchequer could justify the present rate of interest on Exchequer-bills, in reference to its alleged effect on the extent of speculations; but he had derived no satisfactory information whatever on the subject from any part of the right hon. Gentleman's speech. How the rate of interest on Exchequer-bills could have any sort of connection with the protection of the public from excessive speculations, continued as much a matter of surprise to him as ever. He greatly wished that the right hon. the Chancellor of the Exchequer had directed his observations more to the interesting speech of the right hon. Gentleman, the Member for the University of Cambridge, a speech for which, he begged to say, he most cordially thanked that right hon. Gentleman, looking upon it as he did as one of the most instructive and practical speeches he had ever heard—a speech meriting the attention of Members of the House, and one the merits of which would be highly appreciated out of doors. There was one point on which, of all others, he had expected the right hon. Gentleman near him would have dwelt, namely, the present alarming amount of the unfunded debt. If the right hon. Gentleman was correct in now refusing to reduce the rate of interest on Exchequer-bills, lest this should induce an increase of dangerous speculation, this must be an argument for lessening the amount of the unfunded debt; but for his part, he could not understand any connection between the rate of Exchequer-bill interest and the protection of the public from excessive speculation. The hon. Member for Coventry had stated that a person to acquire a hundred pounds Exchequer-bills must give seventy to eighty shillings, being more than a year's interest; this was in itself pretty conclusive evidence of the interest being higher than the money-market required it to be, and higher than the public need pay in order to protect the Exchequer from any inconvenient application for repayment of the principal. With respect to the rate of interest being kept up so high as to make the premium 70*s*. to 80*s*. per cent., in order to protect the public against excessive speculation, it was wholly unintelligible. If the interest were lower, the premium would be lower but the quantity or amount in circulation would remain the same. That could be no protection which merely put money into the pockets of the fortunate holders of Exchequer-bills. But of all things he wished to direct the right hon. Gentleman's attention to that subject which it was essential should be brought clearly before the House—namely, the alarming amount of the unfunded debt, and he was most anxious to understand what were the reasons which induced the right hon. Gentleman to keep this debt up at a time which appeared most favourable for reducing it. If the right hon. Gentleman was justified by a prospective reference to excessive speculations in keeping up the interest on Exchequer-bills, this was a reason why he should reduce the amount of the unfunded debt, which would be the most effective protection to the public Treasury against some of the evils which generally followed excessive speculation. There was now an unfunded debt of forty-four millions. As to the savings' banks, he quite concurred in all that had been said as to the propriety of keeping up the present rate of interest on the deposits in those banks. Everything which had a tendency to encourage the humbler classes in habits of industry and provident management should now, especially that the New Poor-law Act had come into operation, be warmly supported; but this had nothing to do with the question immediately under consideration. Whatever justification the right hon. Gentleman might have conceived himself to have derived from the crisis of 1836, both in respect to raising the interest and keeping up the amount of the unfunded debt, the danger was past, and he could no longer have the slightest pretext either for keeping up this alarming amount of unfunded debt, or continuing the high rate of the interest on Exchequer-bills, at a time when money was so cheap and so plentiful as at present. Surely, if any prospective fears justified the right hon. Gentleman in keeping up the interest of Exchequer-bills, that was a reason for reducing the amount of them, and when so reduced, which might now be done with advantage, there could then be no possible difficulty in reducing the interest on the remainder. The right hon. Gentleman was, by his present course, incurring a perilous responsibility, which he would at a future time be ill able to meet, if he were overtaken by any of those calamitous changes to which nations are liable.

Mr. *A. Yates* observed, that it was the vicious system of paper-money in America which had caused much of the distress and difficulty in which both countries had been involved.

Resolution agreed to. The House resumed.

PRISONS (SCOTLAND).] The House resolved itself into Committee on the Prisons (Scotland) Bill.

On Clause 2, empowering her Majesty's Government to nominate, besides those named in the clause, seven other persons to constitute the Board of Directors of Prisons in Scotland,

Mr. *Colquhoun* moved as an amendment, that instead of the "seven other persons" proposed, nine persons be nominated severally to the general board from the local boards of nine of the principal counties of Scotland, in which circuit courts are held. By this infusion, much local knowledge would be added to the general board, which it could not possess under the form proposed by this clause.

Mr. *F. Maule* opposed the amendment, on the ground, that the seven individuals to be nominated by her Majesty's Government, chiefly noble Lords of the other House of Parliament, were unexceptionable, and could not be supposed to be actuated by any prejudice whatever in their capacity of directors.

Sir *G. Clerk* admitted the unexceptionable character of those individuals, but supported the amendment of his hon. Friend, as he thought it would be much more advisable to have a mixture of persons from the different counties in Scotland, in order to render the general board a popular elective body.

The Committee divided on the Amendment:—Ayes 50; Noes, 78: Majority 28.

List of the AYES.

Acland, T. D.
Arbuthnot, hon. H.
Baillie, Colonel
Blair, J.
Broadley, H.
Chute, W. L. W.
Clerk, Sir G.
Cresswell, C.
Darby, G.
Douglas, Sir C. E.
Duffield, T.
Dunbar, G.
Forrester, hon. G.
Gibson, T.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grimsditch, T.
Hawkes, T.
Hepburn, Sir T. B.
Hodgson, R.
Hotham, Lord
Houstoun, G.
Hurt, F.
Jackson, Sergeant
James, Sir W. C.
Johnstone, H.
Jones, J.
Kelly, F.
Lockhart, A. M.
Lowther, hon. Colonel
Mackenzie, T.
Mackenzie, W. F.
Manners, Lord C. S.
Maxwell, H.
Monypenny, T. G.
Nicholl, J.
Perceval, Colonel
Pringle, A.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Shaw, right hon. F.
Sheppard, T.
Sinclair, Sir G.
Somerset, Lord G.
Stuart, H.
Stuart, Lord J.
Verner, Colonel
Waddington, H. S.

TELLERS.
Colquhoun, J. C.
Hope, G. W.

List of the NOES.

Abercromby, hn. G. R.
Adam, Admiral
Aglionby, Major
Archbold, R.
Baines, E.
Bannerman, A.
Beamish, F. B.
Berkeley, hon. H.
Bewes, T.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Callaghan, D.
Campbell, W. F.
Chalmers, P.
Collier, J.
Craig, W. G.
Crompton, S.
Curry, W.
Dennistoun, J.
Duke, Sir J.
Dundas, C. W. D.
Dundas, Captain D.
Dundas, F.
Dundas, hon. T.
Elliot, hon. J. E.
Fergusson, right hon. R. C.
Finch, F.
Fitzroy, Lord C.
Gillon, W. D.
Hawes, B.
Hill, Lord A. M. C.
Hobhouse, T. B.
Howard, F. J.
Howard, P. H.
Hume, J.
James, W.
Johnson, General
Langdale, hon. C.
Lushington, C.
Macleod, R.
Marsland, H.
Melgund, Viscount
Morris, D.
Murray, rt. hon. J. A.
O'Brien, C.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Pease, J.
Pechell, Captain
Pryme, G.
Rae, right hon. Sir W.
Redington, T. N.
Rolfe, Sir R. M.
Rundle, J.
Salwey, Colonel
Sharpe, General
Stanley, E. J.
Style, Sir C.
Talbot, C. R.
Talbot, J. H.
Thornley, T.
Troubridge, Sir E. T.
Turner, W.
Vigors, N. A.
Vivian, rt. hon. Sir R.
Walker, R.
Wallace, R.
Warburton, H.
Weymss, J. E.
Wilde, Sergeant
Williams, W. A.
Wilshere, W.
Wood, G. W.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.
Maule, hon. F.
Steuart, R.

Clause agreed to.

On coming to Clause 4, which enacts that the secretary to the board be appointed by Government,

Captain *Gordon* objected to the clause.

On the question that the clause stand

part of the bill, the Committee divided:—Ayes 68; Noes 40: Majority 28.

List of the AYES.

Abercromby, hn. G.R.
Adam, Admiral
Aglionby, Major
Archbold, R.
Baines, E
Bannerman, A.
Beamish, F. B.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Callaghan, D.
Campbell, W. F.
Chalmers, P.
Craig, W. G.
Crompton, S.
Curry, W.
Dennistoun, J.
Duke, Sir J.
Dundas, C. W. D.
Dundas, Captain D.
Dundas, F.
Dundas, hon. T.
Elliot, hon. J. E.
Fergusson, right hon. R. C.
Finch, F.
Fitzroy, Lord C.
Gillon, W. D.
Hawes, B.
Hill, Lord A. M. C.
Hobhouse, T. B.
Howard, F. J.
Howard, P. H.
James, W.
Johnson, General
Langdale, hon. C.
Macleod, R.
Marsland, H.
Melgund, Viscount
Murray, rt. hon. J. A.
O'Brien, Cornelius
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Pease, J.
Pechell, Captain
Pryme, G.
Redington, T. N.
Rolfe, Sir R. M.
Rundle, John
Salwey, Colonel
Sharpe, General
Stanley, E. J.
Stuart, Lord J.
Style, Sir C.
Talbot, C. R. M.
Talbot, J. H.
Thornely, T.
Troubridge, Sir E. T.
Vigors, N. A.
Wallace, R.
Warburton, H.
Weymss, J. E.
Wilde, Sergeant
Williams, W. A.
Wood, G. W.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.
Maule, hon. F.
Steuart, R.

List of the NOES.

Arbuthnot, hon. H.
Baillie, Colonel
Blair, J.
Broadley, H.
Chute, W. L. W.
Clerk, Sir G.
Colquhoun, J. C.
Cresswell, C.
Darby, G.
Duffield, T.
Dunbar, G.
Forester, hon. G.
Gibson, T.
Gladstone, W. E.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grimsditch, T.
Hepburn, Sir T. B.
Hope, G. W.
Houstoun, G.
Hurt, F.
Inglis, Sir R. H.
James, Sir W. C.
Johnstone, H.
Jones, John
Kelly, F.
Lowther, Col.
Mackenzie, T.
Mackenzie, W. F.
Manners, Lord C. S.
Nicholl, John
Palmer, G.
Perceval, Colonel
Pringle, A.
Rae, rt. hon. Sir W.
Round, C. G.
Sheppard, T.
Sinclair, Sir G.
Verner, Colonel
Waddington, H. S.

TELLERS.
Gordon, hon. Captain
Lockhart, A. M.

On Clause 13, it was proposed to leave out the words "and particularly for training the prisoners in good and industrious habits, by employing them in useful labour, by affording them religious and moral instruction, and by effecting their complete separation from vicious society."

On this question the Committee again divided:—Ayes 22; Noes 49; Majority 27.

List of the AYES.

Boldero, H. G.
Brotherton, J.
Chalmers, P.
Dennistoun, J.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. T.
Finch, F.
Hobhouse, T. B.
Howard, F. J.
Inglis, Sir R. H.
James, Sir W. C.
Macleod, R.
Melgund, Viscount
Nicholl, J.
Pechell, Captain
Salwey, Colonel
Vigors, N. A.
Wallace, R.
Warburton, H.
Williams, W. A.
Wood, G. W.

TELLERS.
Hawes, B.
Pease, J.

List of the NOES.

Abercromby, hn. G.R.
Adam, Admiral
Arbuthnot, hon. H.
Archbold, R.
Baillie, Colonel
Bannerman, A.
Beamish, F. B.
Blair, J.
Campbell, W. F.
Clerk, Sir G.
Craig, W. G.
Cresswell, C.
Curry, W.
Duke, Sir J.
Dundas, Captain D.
Elliot, hon. J. E.
Fergusson, rt. hon. C.
Filmer, Sir E.
Gillon, W. D.
Gladstone, W. E.
Gordon, hon. Capt.
Hepburn, Sir T. B.
Hill, Lord A. M. C.
Hope, G. W.
Houstoun, G.
Howard, P. H.
Jones, J.
Kelly, F.
Lockhart, A. M.
Mackenzie, T.
Mackenzie, W. F.
Maule, hon. F.
Murray, rt. hon. J. A.
O'Connell, M. J.
O'Connell, M.
Palmer, G
Perceval, Colonel
Pringle, A.
Pryme, G.
Rae, Sir W.
Redington, T. N.
Round, C. G.
Sharpe, General
Sibthorp, Colonel
Sinclair, Sir G.
Stuart, Lord J.
Talbot, J. H.
Worsley, Lord
Wyse, T.

TELLERS.
Rolfe, Sir R. M.
Steuart, R.

Remaining clauses were passed, and the House resumed.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME XLII.

(BEING FOURTH VOL. OF SESSION 1837-8.)

ABERDEEN, Earl of
British Auxiliary Legion, 1154
Church of Scotland, 110, 150, 151

Abinger, Lord
Negro Apprenticeship, 476

Abolition of Slavery, l. 1

———— *Negro Apprenticeship. c.* 40

———————————— *Explanation, l.* 261

Achill Missionary Herald, the, l. 264

Acland, Sir T.
Foreign Slave Trade, 1153
Tithes (Ireland), 1203

Adam, Sir C.
Foreign Slave Trade, 1143

Aglionby, Mr.
Church Leases—Committee, 1072
First Fruits and Tenths, 1023

Alston, Mr.
Yeomanry Cavalry, 660

Amendment of the New Poor-law, l. 731

Attorney-General, the (Sir John Campbell)
Church Property, 352
Controverted Elections, 1098
Copyright, 586, 594, 595
Great Yarmouth Election, 552
Jamaica, 363
Pluralities, 953
Prisons (Scotland), 429

Attwood, Mr. M.
The Budget, 1409

Attwood, Mr. W. A.
Copyright, 1066

Baines, Mr.
Breach of Privilege—Mr. Poulter, 513
First Fruits and Tenths, 997, 1018, 1020, 1023
Slavery Abolition Act, 460

Bagge, Mr.
Yeomanry Cavalry, 638

Baring, Mr. F.
Repeal of the Soap Tax, 371

Barron, Mr.
Bonded Corn, 1042
Ecclesiastical Courts (Ireland), 1049

Bateson, Sir R.
Catholic Funerals in Londonderry, 353, 360
Poor Relief (Ireland), 541

Belfast Election Committee, c. 376

Bell, Mr.
Coast Fisheries, 434

Bellew, Mr.
Poor-law (Ireland), 694
Tithes (Ireland)—Adjourned Debate, 1296

Benefices Pluralities Bill, c. 1161

Benett, Mr.
Repeal of the Soap Tax, 368
Tithes (Ireland), 1279
Yeomanry Cavalry, 638

Bernal, Mr.
Controverted Elections, 1102

Blackstone, Mr.
Breach of Privilege—Mr. Poulter, 453, 462, 464, 480, 481, 498, 505, 506, 510, 511, 514

Boldero, Captain
Ordnance Estimates, 631, 636

Bonded Corn, c. 1029

Brabazon, Sir W.
Poor-law (Ireland), 676

Breach of Privilege—Mr. Poulter, c. 453, 480

British Auxiliary Legion, l. 1154

Brotherton, Mr.
Bonded Corn, 1034
Salmon Fisheries (Scotland), 1075

Brougham, Lord
Abolition of Slavery, 3, 16, 30, 31, 32

Budget, the, c. 1366

Buller, Mr. C.
Controverted Elections, 300, 342
Lord Durham's Mission, 415

Burdett, Sir Francis
Tithes and Corporations (Ireland), 1364

Burrell, Sir C.
Benefices Pluralities Bill, 1164

Business of the House, c. 597

Byng, Mr.
Hippodrome, the—Notting Hill Footway, 271

Campbell, Mr. W. F.
Repeal of the Soap Tax, 372
Salmon Fisheries (Scotland), 1075

Canada, c. 1362

Canning, Sir S.
Foreign Slave Trade, 1152
Lord Durham's Mission, 417

Canterbury, Archbishop of
Church of Scotland, 129

Captured Slave Vessels, c. 435

Castlereagh, Viscount
Poor-law (Ireland), 678, 718

Catholic Funerals in Londonderry, c. 353

Cayley, Mr.
First Fruits and Tenths, 1023

Cawdor, Earl of
Poor-law Amendment Act, 1170

Chancellor of the Exchequer,
Abolition of Negro Apprenticeship, 41
Breach of Privilege—Mr. Poulter, 516
Budget, the, 1384, 1385, 1386, 1366, 1412
Church Leases, 880
Controverted Elections, 1104
Copyright, 591
Cumberland, the, Duke of 744
Ecclesiastical Courts (Ireland), 1049
Exchequer Bills, 936
Expenses of the Revolt in Canada, 675
First Fruits and Tenths, 1019, 1022
Joint-stock Banks, 622
Outrages on Protestants (Ireland), 788, 793
Repeal of the Soap Tax, 366, 369
Schools (Scotland), 1166, 1167

Chancellor of the Exchequer—*continued.*
Supply—Report, 546, 548, 550
——— Pensions, 526, 531, 536
Tithes (Ireland),—Adjourned Debate, 1435

Chandos, Marquess of
Bonded Corn, 1029
Lord Durham's Mission, 385, 421
Pluralities, 954

Channel Fisheries, c. 1024

Church Commission, l. 799

——— *Leases, c.* 820

——— ——— *Committee, c.* 1072

——— *Property, c.* 352

——— *of Scotland, c.* 110

Chapman, Mr. A.
Juvenile Offenders, 610

Clanricarde, Marquess of
Abolition of Slavery, 20
Doctor M'Hale, 900
Negro Apprenticeship, 478
Poor-law (Ireland), 722, 898

Clements, Lord
Medical Charities (Ireland), 721
Poor-law (Ireland), 702

Clerk, Sir G.
Prisons (Scotland), 1421
Schools (Scotland), 1168

Cleveland, Duke of
Yeomanry, 951

Coast Fisheries, c. 432

Colquhoun, Mr.
Catholic Funerals in Londonderry, 359
Outrages on Protestants (Ireland), 756, 794
Prisons (Scotland), 1421
Schools (Scotland), 1167
Tithes (Ireland), 1216

Conolly, Colonel
Poor-law (Ireland), 694
Salmon Fisheries (Ireland), 1074
Tithes (Ireland), 1221

Contagion, l. 796

Controverted Elections, c. 277, 1080

Copyright, c. 555, 1056

Coronation, the, l. 543, 667, 725

——— ——— *Marshal Soult*

Corry, Mr.
Poor-law (Ireland), 693

Courtenay, Mr.
Pluralities, 952, 953
Benefices Pluralities Bill, 1163

Custody of Infants, c. 1050

Cumberland, the Duke of, c. 740

Dalrymple, Sir A.
Breach of Privilege—Mr. Poulter, 516

Darlington, Earl of
Bonded Corn, 1038

Davis, Colonel
Breach of Privilege—Mr. Poulter, 487
Business of the House, 600
Controverted Elections, 1103

Denman, Lord
Negro Apprenticeship, 475, 476, 478

Devon, Earl of
Magistracy (Ireland), 38, 39
New Zealand, 152, 153, 155

D'Israeli, Mr.
Copyright, 575

Divisions, List of
Bonded Corn [A. 150, N. 220, M. 70] 1042
Breach of Privilege—Mr. Poulter, [A. 122, N. 120, M. 2] 518. On the Amendment "That the House be adjourned for a week," [A. 122, N. 116, M. 6] 524
Church and Tithes (Ireland), Adjourned Debate [A. 317, N. 298, M. 19] 1353
Church Leases—The House divided on the Motion "That the words proposed to be left out, stand part of the Question," [A. 277, N. 241, M. 36] 889. The House again divided on the Amendment, [A. 254, N. 265, M. 11] 892
Controverted Elections [A. 57, N. 80, M. 23] 341
Copyright, [A. 39, N. 34, M. 5] 594. Second Division, [A. 38, N. 31, M. 7] 596. Third Division, [A. 116, N. 64, M. 52] 1073
Custody of Infants, [A. 91, N. 18, M. 73] 1055
First Fruits and Tenths, [A. 48, N. 27, M. 21] 1017
Freemen's Admission Bill, [A. 55, N. 30, M. 23] 1169
Gospel Propagation Society—Newfoundland, [A. 27, N. 56, M. 29] 755
Great Yarmouth Election, [A. 78, N. 100, M. 22] 553
Hippodrome, the—Notting Hill Footway [A. 162, N. 123, M. 39] 274
Lord Durham's Mission [A. 158, N. 160, M. 2] 422
Negro Apprenticeship—Adjourned Debate, [A. 215, N. 269, M. 54] 257
Pluralities—The House divided on Mr. Hume's Motion "That it be an instruction to the Committee to provide against the appointment in plurality to any benefice or cathedral preferment from and after the passing of the Bill, [A. 37, N. 107, M. 70] 920—*cl.* 2, [A. 71, N. 32, M. 39] 924—*cl.* 3, [A. 65, N. 44, M. 21] 922. The Committee divided on Lord J. Russell's Motion "That the second blank be filled up with the words 'five hundred pounds,'" [A. 77, N. 47, M. 30] 924—*cl.* 4, [A. 138, N. 16, M. 122] 931—*cl.* 9, [A. 50, N. 106, M. 56] 934—*cl.* 27, [A. 52, N. 75, M. 23] 953. The Committee divided on the Marquess of Chandos's Amendment "To extend the exemption contained in the clause for the head masters of colleges, and public schools, to the lower masters." [A. 60, N. 76 M. 16] 954.—Mr. Hawes moved "To add a proviso limitting the value of any benefice to which the clause applied to 500*l.* [A. 45, N. 68, M. 23] 956. The Committee divided on the Question "That the Clause as amended, stand part of the Bill [A. 69, N. 34, M. 35] 957—*cl.* 28, [A. 30, N. 52, M. 22] 958. The Committee divided on the Question of adding the proviso moved by Mr. Hume to the effect "That a clergyman on leaving his benefice to perform other duties, should give notice thereof, and of the grounds of his absence, in writing, to the churchwardens of the parish, who should affix the same in some conspicuous place within the walls of the church." [A. 21, N. 76, M. 55] 960—*cl.* 29, [A. 70, N. 28, M. 42] 962—*cl.* 42, [A. 33, N. 110, M. 77] 964—*cl.* 94, [A. 47, N. 49, M. 2] 1162. The Committee divided on a clause introduced by Col. Sibthorp to the effect "That the widow or representative of a deceased incumbent should have the power of residing free of all charges, &c., in the glebe-house, and keeping possession of such land as might have been in the actual occupation of the incumbent at his death, not exceeding ten acres, for the space of three months." [A. 36, N. 95, M. 59] 1165.
Poor-law (Ireland), [A. 234, N. 59, M. 175] 715
Prisons (Scotland), *cl.* 2, [A. 50, N. 78, M. 28] 1421—*cl.* 4, [A. 68, N. 40, M. 28] 1423—*cl.* 13, [A. 22, N. 49, M. 27] 1424
Repeal of the Soap Tax, [A. 166, N. 78, M. 88] 374
Salmon Fisheries (Scotland), On the Question of Adjournment, [A. 37, N. 41, M. 4] 1075. On the Question that the Bill be read a second time, [A. 45, N. 13, M. 32] 1076
Schools (Scotland), [A. 79, N. 12, M. 67] 1168
Slavery Abolition Act, [A. 61, N. 115, M. 54] 472
Small Debts (Scotland), [A. 60, N. 40, M. 20] 1359—*cl.* 3, [A. 75, N. 14, M. 61] 1360—*cl.* 18, [A. 55, N. 10, M. 45] 1361
The Duke of Cumberland, [A. 62, N. 67, M. 35] 749
Yeomanry Cavalry, [A. 203, N. 57, M. 146] 664

Dunbar, Mr.
Belfast Election Committee, 378

Duncombe, Mr. T.
Breach of Privilege—Mr. Poulter, 489

Durham, Bishop of
National Education, 937

Duties on Silks c. 545

East, Mr.
Pluralities, 962

Easthope, Mr.
The Budget, 1418

Ebrington, Lord
Breach of Privilege—Mr. Poulter, 508
Pluralities, 964
Ecclesiastical Courts (Ireland), 1045

Egerton, Lord F.
  Pluralities, 929

Election Petitions, c. 614

Ellice, Mr. Jun.
  Lord Durham's Mission, 403

Elliot, Mr.
  Breach of Privilege—Mr. Poulter, 457, 509

Eastcourt, Mr.
  Pluralities, 933
  First Fruits and Tenths, 1021

Evans, Mr. W.
  Church Leases, 858

Exchequer Bills, c. 935

Exeter, the Bishop of
  Abolition of Slavery, 1
  Church Commission, 799
  Contagion, 796, 797, 798
  Roman Catholic Oath, 980

Expenses of the Revolt in Canada, c. 675

Ferguson, Mr. R.
  Yeomanry Cavalry, 658
  —— (Scotland) 384

Fergusson, Sir Robert
  Medical Charities (Ireland) 720

First Fruits and Tenths, c. 997

Fitzwilliam, Earl
  New Poor-law, 436.
  Poor-law Amendment Act, 1172, 1173
  Poor-laws in Yorkshire, 1078
  —— (Ireland), 943, 944

Follett, Sir W.
  Controverted Elections, 308.

Foreign Slave Trade c. 1122

Freemantle, Sir T.
  Breach of Privilege—Mr. Poulter, 464

French, Mr. F.
  Medical Charities (Ireland) 719, 721
  Tithes (Ireland), 1235

Freshfield, Mr.
  Custody of Infants, 1055
  First Fruits and Tenths, 1024

Gladstone, Mr. W.
  Abolition of Negro Apprenticeship, 50
  Negro Apprenticeship—Adjourned Debate, 224
  Pluralities, 931
  Slavery Abolition Act, 474, 475

Gibson, Mr.
  Controverted Elections, 306
  Gospel Propogation Society—Newfoundland, 752
  Juvenile offenders, 611

Gillon, Mr.
  Abolition of Negro Apprenticeship, 41
  Budget, the, 1409
  Repeal of the Soap Tax, 363, 373
  Schools, (Scotland), 1167, 1168
  Yeomanry (Scotland), 382

Glenelg, Lord
  Malta Commission, 806
  New Zealand, 154

Glengall, the Earl of
  Poor-law, (Ireland), 724

Gordon, Captain
  Prisons, (Scotland), 426, 1422

Gore, Mr.
  Controverted Elections, 340

Gospel Propagation Society—Newfoundland, c. 750

Goulburn, Mr.
  Benefices Pluralities Bill, 1161, 1162
  Business of the House, 598
  Budget, the 1401
  Church Leases, 847
  Controverted Elections, 1115
  Custody of Infants, 1054
  Duke of Cumberland, the 748
  Ecclesiastical Courts (Ireland), 1047
  Expenses of the Revolt in Canada, 675
  First Fruits and Tenths, 1016, 1020
  Outrages on Protestants (Ireland), 791
  Pluralities, 924, 958, 960, 963
  Supply—Pensions 537
  Yeomanry, the 1026

Graham, Sir J.
  Bonded Corn, 1039
  Business of the House, 599
  Union Workhouses, 1160

Grattan, Mr. H.
  Belfast Election Committee, 381

Great Yarmouth Election, c. 551, 597

Grey, Earl
  Abolition of Slavery-Explanation, 263

Grey, Sir George
  Abolition of Negro Apprenticeship, 65
  Breach of Privilege—Mr. Poulter, 495
  Canada, 1363
  Jamaica, 362
  New South Wales, 479
  Slavery Abolition Act, 469, 471, 474

Grote, Mr.
  Copyright, 584

Haddington, Earl of
  Achill Missionary Herald, the, 2
  Church of Scotland, 137, 143
  Yeomanry Cavalry (Scotland), 345

Hall, Mr.
  Breach of Privilege—Mr. Poulter, 512
  Hippodrome, the—Notting Hill Footway, 269, 270

Hardinge, Sir H.
  Yeomanry Cavalry, 659

Harewood, Earl of
  Poor-laws in Yorkshire, 1077, 1079
  Yeomanry, 951

Hardwicke, Earl of
  Amendment of the New Poor-law, 740
  New Poor-law, 727

Harvey, Mr. D. W.
  Breach of Privilege—Mr. Poulter, 485, 507
  Gospel Propagation Society (Newfoundland) 753
  Supply—Pensions, 527

Hawes, Mr.
  Breach of Privilege—Mr. Poulter, 520
  Juvenile Offenders, 614
  Pluralities, 919, 924, 925, 933, 934, 963
  Prison Regulations, 606
  Repeal of the Soap Tax, 371
  Supply--Pensions, 534

Hawkes, Mr.
  Protection of British Manufactures, 425

Hayes, Sir E.
  Poor-law (Ireland), 694

Hayter, Mr.
  Hippodrome, the—Notting Hill Footway, 271

Headfort, Marquess of
  Magistracy (Ireland), 39

Heathcote, Mr.
  Bonded Corn, 1031

Henniker, Lord
  Breach of Privilege—Mr. Poulter, 496

Hippodrome, the—Notting Hill Footway, c. 269

Holland, Lord
  Achill Missionary Herald, 269
  Poor-law Amendment Act, 1172, 1173

Howard, Mr. P.
  Controverted Elections, 339
  Slavery Abolition Act, 472, 1475
  Supply—Pensions, 535

Howick, Viscount
  Controverted Elections, 1111
  Election Petitions, 619
  Negro Apprenticeship—Adjourned Debate, 190
  Ordnance Estimates, 631
  Yeomanry Cavalry, 636

Hume, Mr.
  Breach of Privilege—Mr. Poulter, 484, 506
  Budget, the, 1384, 1385, 1386
  Business of the House, 601
  Canada, 1362, 1363
  Catholic Funerals in Londonderry, 359
  Church Leases, 844
  Controverted Elections, 1116
  Copyright, 567, 595
  Cumberland, the Duke of, 740, 749

Hume, Mr.—*continued.*
  Ecclesiastical Courts (Ireland), 1048
  Exchequer Bills, 936
  First Fruits and Tenths, 1015, 1022
  Gospel Propagation Society—Newfoundland, 750
  Juvenile Offenders, 614
  Lord Durham's Mission, 404
  Ordnance Estimates, 627
  Pluralities, 906, 922, 923, 932, 957, 960, 963, 964
  Prison Regulations, 606
  Repeal of the Soap Tax, 370
  Standing Orders—Private Bills, 621
  Supply--Pensions, 533, 537
  ————Report, 546, 548, 549
  Yeomanry Cavalry, 636, 638

Hutt, Mr.
  Budget, the, 1410

Inglis, Sir R. H.
  Benefices Pluralities Bill, 1161, 1164
  Breach of Privilege—Mr. Poulter, 483
  Church Leases, 859
  Controverted Elections, 337
  Copyright, 571, 1071
  First Fruits and Tenths, 1018, 1023
  Foreign Slave Trade, 1122, 1154
  Pluralities, 918, 933, 953, 958, 961, 963
  Procession at the Coronation, 674

Irish Church, l. 437

Irving, Mr.
  Foreign Slave Trade, 1137

Jamaica, c. 360

James, Mr.
  Negro Apprenticeship—Adjourned Debate, 156

Jervis, Mr.
  Copyright, 589, 595

Joint-Stock Banks, c. 622

Jones, Captain
  Catholic Funerals in Londonderry, 360

Juvenile Offenders, c. 609

Kelly, Mr. Fitzroy
  Controverted Elections, 1101

Knatchbull, Sir E.
  Bonded Corn, 1036
  Yeomanry Cavalry, 645

Knight, Mr. G.
  Controverted Elections, 340
  First Fruits and Tenths, 1011

Lambton, Mr.
  Lord Durham's Mission, 405, 406

Law, Mr.
  Benefices Pluralities Bill, 1164
  Pluralities, 932, 933

Langdale, Mr.
  Breach of Privilege—Mr. Poulter, 511
  Outrages on Protestants (Ireland), 787
  Schools (Scotland), 1167

Lansdowne, the Marquess of
Abolition of Slavery, 31, 32, 33
Controverted Elections, 344
Coronation, the, 544
Magistracy (Ireland), 35
Poor-laws (Ireland), 1898
Yeomanry, 950

Lascelles, Mr.
Tithes (Ireland)—Adjourned Debate, 1272

Lefevre, Mr. S.
Controverted Elections, 1103
Standing Orders—Private Bills, 620

Lefroy, Mr.
Tithes (Ireland), 1232

Legal Adviser—Canada, l. 623

Lemon, Sir Charles
Tithes (Ireland), 1215

Lennox, Lord G.
Hippodrome, the—Notting Hill Footway, 269, 274

Leveson, Lord
Tithes (Ireland), 1219

Liddell, Mr.
Church Leases, 889

Limerick, the Earl of
Poor-law (Ireland), 723

Litton, Mr.
Tithes (Ireland)—Adjourned Debate, 1263

Lockhart, Mr.
British Manufacture, 426

London, Bishop of
Church of Scotland, 144

Londonderry, the Marquess of
British Auxiliary Legion, 1158
Coronation, the, 543, 667, 725
————— Marshal Soult
Poor-law (Ireland), 723, 898

Lord Advocate, the
Bonded Corn, 1039
Small Debts (Scotland) 1359
Yeomanry (Scotland), 384

Lord Durham's Mission, c. 385

Lorton, Viscount
Doctor M'Hale, 898, 902
Roman Catholic Oath, 992
Roman Catholic Prelates, 542

Lucas, Mr.
Medical Charities (Ireland), 431
Poor-law (Ireland), 703

Lushington, Dr.
Controverted Elections, 1108
Foreign Slave Trade, 1141
Negro Apprenticeship—Adjourned Debate, 208
Seizure by the French Government, 996, 997

Lushington, Mr. Charles
Pluralities, 921

Lyndhurst, Lord
Controverted Elections, 345
Poor-law (Ireland), 723
Spain—Foreign Enlistment Act, 666

M'Hale, Doctor, l. 898

Maclean, Mr.
Canada, 1364
Supply—Pensions, 537

Magistracy (Ireland), l. 33

Mahon, Lord
Controverted Elections, 1101
Copyright, 591
Custody of Infants, 1055

Malmesbury, Earl of
Poor-laws in Yorkshire, 1079
Yeomanry Cavalry (Scotland), 348
————, 948

Malta Commission, l. 799

Mathew, Captain
Breach of Privilege—Mr. Poulter, 460

Maule, Mr. Fox
Hippodrome, the—Notting Hill Footway, 274
Prisons (Scotland), 426, 1421
Yeomanry Cavalry, 657
——— the, 1025, 1027

Medical Charities (Ireland), c. 429.—2nd Read. 719

Melbourne, Viscount
Abolition of Slavery, 26
British Auxiliary Legion, 1157, 1159
Church Commission, 799
——— of Scotland, 124, 144, 151
Contagion, 798
Coronation, the, 669, 725
—————, Marshal Soult,
Irish Church, 445
Legal Adviser—Canada, 624
M'Hale, Doctor, 900, 903, 905
Malta Commission, 816
Poor-law (Ireland), 722, 724, 943
Roman Catholic Prelates, 543
Spain—Foreign Enlistment Act, 666
Turton, Mr. 673
Yeomanry, 946
——— Cavalry (Scotland), 347

Mildman, Mr.
Breach of Privilege—Mr. Poulter, 480, 483, 495, 509

Miles, Mr.
Yeomanry Cavalry, 641

Milnes, Mr.
Benefices Pluralities Bill, 1161
Copyright, 580, 1063
Tithes (Ireland), 1225

Minto, Earl of
Church of Scotland, 141, 152

Morpeth, Viscount
Catholic Funerals in Londonderry, 357, 360
Medical Charities (Ireland), 431.—2nd Reading, 721
Outrages on Protestants (Ireland), 795
Poor-law (Ireland), 684
Salmon Fisheries (Ireland), 1075
Tithes (Ireland), 1252

National Education, l. 937

Negro Apprenticeship, l. 475

————————*Adjourned Debate, c.* 156

New Poor-law, l. 435, 725, 1261

New South Wales, c. 479

New Zealand, l. 152

O'Brien, Mr. W. S.
Abolition of Negro Apprenticeship, 40
Breach of Privilege—Mr. Poulter, 507, 511, 518
Controverted Elections, 1114
Medical Charities (Ireland), 719
Poor Relief (Ireland), 540
Salmon Fisheries (Ireland), 1074
Supply—Pensions, 536

O'Connell, Mr. D.
Breach of Privilege—Mr. Poulter, 463, 481, 496, 514
Catholic Funerals in Londonderry, 358
Controverted Elections, 294, 1096
Medical Charities (Ireland), 720
Negro Apprenticeship—Adjourned Debate, 171
Poor-law (Ireland), 681, 717
Slavery Abolition Act, 472
Tithes (Ireland)—Adjourned Debate, 1313

O'Connell, Mr. M. J.
Belfast Election Committee, 376
Poor-law (Ireland), 712

Ordnance Estimates, c. 624

Outrages on Protestants (Ireland), c. 756

Palmer, Mr. R.
Breach of Privilege—Mr. Poulter, 462
Yeomanry, the, 1024

Palmerston, Viscount
Coast Fisheries, 434
Channel Fisheries, 1024
Foreign Slave Trade, 1143
Lord Durham's Mission, 418
Seizure by the French Government, 996

Pease, Mr.
Abolition of Negro Apprenticeship, 55
Church Leases, 864

Pechell, Captain
Captured Slave Vessels, 435
Coast Fisheries, 432
Foreign Slave Trade, 1139

Peel, Sir R.
Bonded Corn, 1037
Breach of Privilege—Mr. Poulter, 492, 516
Business of the House, 602
Channel Fisheries, 1024
Church Leases, 883, 890

Peel, Sir R.—*continued.*
Controverted Elections, 277, 331, 343, 1081 1117
Election Petitions, 614
Exchequer Bills, 936, 937
Juvenile Offenders, 613
Lord Durham's Mission, 407
Medical Charities (Ireland), 720
Ordnance Estimates, 632, 634
Prisons (Scotland), 427
Tithes and Corporations (Ireland), 1364, 1365. —Adjourned Debate, 1325
Yeomanry, the, 819, 820, 1027
———— Cavalry, 660

Philips, Mr. M.
Bonded Corn, 1041
Yeomanry Cavalry, 655

Plumptre, Mr.
Catholic Funerals in Londonderry, 359
Negro Apprenticeship—Adjourned Debate, 189

Plunket, Lord
Magistracy (Ireland), 36, 38

Pluralities, c. 906, 952

Poor-law Amendment Act, l. 1170

———— *(Ireland), c.* 675

————————, *l.* 722, 897, 943

Poor-laws in Yorkshire, l. 1077

Poor Relief (Ireland), c. 538

Portman, Lord
Yeomanry, 948

Powerscourt, Viscount
Poor-law (Ireland), 690

Praed, Mr.
Breach of Privilege—Mr. Poulter, 518
Controverted Elections, 339
Copyright, 1070
Custody of Infants, 1051
Lord Durham's Mission, 392

Pringle, Mr.
Prisons (Scotland), 426

Prison Regulations, c. 605

Prisons (Scotland), c. 426, 1421

Procession at the Coronation, c. 674

Protection of British Manufactures, c. 425

Pryme, Mr.
Pluralities, 930, 959, 960

Radnor, the Earl of
Contagion, 796, 798
New Poor-law, 1262
Poor-laws in Yorkshire, 1079

Rae, Sir W.
Small Debts (Scotland), 1358

Reddington, Mr.
Poor Relief (Ireland), 541
Tithes (Ireland),—Adjourned Debate, 1273

Reid, Sir John Rae
  Bonded Corn, 1042
  Budget, the, 1418
Repeal of the Soap Tax, c. 363

Rice, Mr. E. R.
  Church Leases Committee, 1028
  Coast Fisheries, 432

Richmond, Duke of
  Contagion, 797
  New Poor-law, 1262
  New Poor-law Amendment Act, 1172
  New Zealand, 152, 153, 154
  Poor-laws in Yorkshire, 1080

Ripon, Earl of
  British Auxiliary Legion, 1159
  Irish Church, 437
  Malta Commission, 799

Rippon, Mr.
  Pluralities, 925, 930

Roche, Mr. William
  Poor-law (Ireland), 705
  Salmon Fisheries (Ireland), 1075
Roman Catholic Oath, l. 966
——— *Prelates, l.* 542

Rosebery, the Earl of
  Church of Scotland, 135

Russell, Right Hon. Lord John
  Belfast Election Committee, 382
  Benefices Pluralities Bill, 1161, 1162
  Breach of Privilege—Mr. Poulter, 465, 490, 498, 514, 518
  Business of the House, 597, 600, 604
  Canada, 1363, 1364
  Church Leases, 820, 889
  Controverted Elections, 333
  Juvenile Offenders, 611
  Lord Durham's Mission, 385, 394, 407
  Negro Apprenticeship—Adjourned Debate, 215
  Ordnance Estimates, 633, 634, 635, 636
  Poor Relief (Ireland), 540
  Poor-Law (Ireland), 718
  Pluralities, 916, 922, 923, 924, 928, 931, 932, 933, 959, 960, 961, 963
  Prison Regulations, 605, 609
  Procession at the Coronation, 674, 675
  Tithes (Ireland), 1173
  Tithes and Corporations (Ireland), 1364, 1365
  Union Workhouses, 1160
  Yeomanry Cavalry, 647, 819, 820
Salmon Fisheries (Ireland), c. 1074
——— *(Scotland),* 1075

Sandon, Viscount
  Repeal of the Soap Tax, 368, 374
  Tithes (Ireland)—Adjourned Debate, 1281

Sanford, Mr. A.
  Yeomanry Cavalry, 640

Scarlett, Mr
  Jamaica, 360, 363

Schools (Scotland), c. 1166

Scrope, Mr. Poulett
  Poor Relief (Ireland), 538

Seaford, Lord
  Abolition of Slavery, 11

Seale, Colonel
  Bonded Corn, 1029

Seizure by the French Government, c. 996

Shaw, Mr.
  Custody of Infants, 1053
  Tithes (Ireland)—Adjourned Debate, 1303

Sheil, Mr.
  Business of the House, 602
  Controverted Elections, 329
  Poor-law (Ireland), 699

Shrewsbury, Earl of
  Roman Catholic Oath, 966, 994

Sibthorp, Colonel
  Benefices Pluralities Bill, 1161, 1164
  Budget, the, 1411
  Church Property, 352, 353
  Lord Durham's Mission, 402
  Supply—Report, 549
  Yeomanry Cavalry, 654

Sinclair, Sir G.
  Catholic Funerals in Londonderry, 360
  Repeal of the Soap Tax, 373

Slaney, Mr.
  Tithes (Ireland), 1223

Slavery Abolition Act, c. 465, 474

Sligo, Marquess of
  Abolition of Slavery—Explanation, 261
  Achill Missionary Herald, the, 268

Small Debts (Scotland), c. 1358

Smith, Mr. V.
  Controverted Elections, 1106

Smith, Dr. Pye, l. 344

Solicitor General, the
  Gospel Propagation Society (Newfoundland), 754
  Pluralities, 930, 958, 964
  First Fruits and Tenths, 1009

Somerville, Sir W.
  Tithes (Ireland), 1229

Sondes, Lord
  Yeomanry, 949

Spain—Foreign Enlistment Act, l. 666

Speaker, the right hon.
  Abolition of Negro Apprenticeship, 50
  Breach of Privilege—Mr. Poulter, 499, 502, 510
  Lord Durham's Mission, 406
  Slavery Abolition Act, 468

Standing Orders—Private Bills, c. 620

Stanhope, Earl
  New Poor-law, 725, 728, 1261, 1262
  Poor-law Amendent Act, 1170, 1171, 1172

Stanley, Lord
  Abolition of Negro Apprenticeship, 40, 41
  Benefices Pluralities Bill, 1161
  Breach of Privilege—Mr. Poulter, 506
  Controverted Elections, 321
  Poor-law (Ireland), 712
  Tithes (Ireland), 1243

Steuart, Mr. R.
  Prisons (Scotland), 428

Stewart, Mr. James
  Slavery Abolition Act, 465, 470
  First Fruits and Tenths, 1015

Strickland, Sir George
  Abolition of Negro Apprenticeship, 41, 50, 51
    —Adjourned Debate, 257

Strutt, Mr.
  Copyright, 1071

St. Vincent, Lord
  Abolition of Slavery, 10, 30

Stradbroke, Earl of
  Poor-law Amendment Act, 1171

Sugden, Sir E. B.
  Benefices Pluralities Bill, 1162, 1164
  Breach of Privilege—Mr. Poulter, 497, 513
  Catholic Funerals in Londonderry, 360
  Custody of Infants, 1150
  Copyright, 590, 596
  Lord Durham's Mission, 404
  Medical Charities (Ireland), 431
  Negro Apprenticeship—Adjourned Debate, 158
  Pluralities, 930, 932, 953
  Poor-law (Ireland), 696
  Slavery Abolition Act, 468

Supply—Pensions, c. 526

Supply—Report, c. 546

Sydney, Viscount
  New Poor-law, 728

Talfourd, Mr. Sergeant
  Copyright, 594, 595, 1072
  Custody of Infants, 1053, 1055

Teignmouth, Lord
  Hippodrome, the—Notting Hill Footway, 273
  Tithes (Ireland)—Adjourned Debate, 1294

Tennent, Mr. E.
  Copyright, 596

Thomson, Mr. Poulett
  Bonded Corn, 1034
  Duties on Silks, 545
  Standing Orders—Private Bills, 521

Tithes and Corporations (Ireland), c. 1364

Tithes (Ireland), c. 1173

———————*Adjourned Debate, c.* 1263

Townley, Mr.
  Tithes (Ireland)—Adjourned Debate, 1275

Trench, Sir F.
  Duties on Silks, 545
  Poor-law (Ireland), 677
  Procession at the Coronation, 674
  Slavery Abolition Act, 469

Turton, Mr., l. 671

Tyrrell, Sir John
  Bonded Corn, 1033

Union Workhouses, c. 1160

Vaux, Lord
  Roman Catholic Oath, 980

Verney, Sir H.
  Foreign Slave Trade, 1138
  Pluralities, 920, 934, 964

Verner, Colonel
  Poor-law (Ireland), 695

Villiers, Mr.
  Bonded Corn, 1041
  Breach of Privilege—Mr. Poulter, 508

Vivian, Sir H.
  Ordnance Estimates, 624, 634

Wakley, Mr.
  Copyright, 1056
  Medical Charities (Ireland), 432.—2nd Read. 720
  Supply—Pensions, 536

Wallace, Mr.
  Pluralities, 930
  Repeal of the Soap Tax, 373
  Schools (Scotland), 1166, 1168
  Small Debts (Scotland), 1358
  Yeomanry (Scotland), 385

Warburton, Mr.
  Bonded Corn, 1030
  Breach of Privilege—Mr. Poulter, 495
  Controverted Elections, 332
  Copyright, 593, 596, 1068
  Cumberland, the Duke of, 748
  Gospel Propagation Society (Newfoundland), 755
  Medical Charities (Ireland), 431.—2nd Read. 721
  Salmon Fisheries (Ireland), 1075
  Supply—Pensions, 536
  Yeomanry Cavalry, 641

Ward, Mr.
  Copyright, 580
  Slavery Abolition Act, 470
  Standing Orders—Private Bills, 622
  Tithes (Ireland)—Adjourned Debate, 1283

Wellington, the Duke of
  Abolition of Slavery, 632
  Achill Missionary Herald, 268
  British Auxiliary Legion, 1158
  Church of Scotland, 146

Wellington, the Duke of—*continued.*
  Doctor M'Hale, 904
  Irish Church, 448
  Malta Commission, 812
  Negro Apprenticeship, 477
  Poor-laws (Ireland), 723
  Yeomanry Cavalry (Scotland), 349
  ———, 951

Westmeath, the Marquess of
  Magistracy (Ireland), 33, 39

Wharncliffe, Lord
  Contagion, 799
  New Poor-law, 728, 731
  Yeomanry, 950

White, Mr. Luke
  Slavery Abolition Act, 472

Wicklow, Earl of
  Achill Missionary Herald, the, 264, 267
  Doctor M'Hale, 900, 903, 904
  Irish Church, 450
  Magistracy (Ireland), 36
  Poor-laws (Ireland), 897, 943

Wilde, Mr. Sergeant
  Breach of Privilege—Mr. Poulter, 520

Williams, Mr. W.
  Budget, the, 1397
  Business of the House, 598
  Exchequer Bills, 936

Willshere, Mr.
  Great Yarmouth Election, 597

Wilmot, Sir Eardley
  Juvenile Offenders, 609
  Tithes (Ireland), 1213

Winchilsea, the Earl of
  Abolition of Slavery, 26
  Legal Adviser—Canada, 623, 624
  M'Hale, Doctor, 902

Winchilsea, the Earl of—*continued.*
  New Poor-law, 435
  Roman Catholic Oath, 991
  Turton, Mr., 671
  Yeomanry, 951
  ——— Cavalry (Scotland), 350

Wood, Captain
  Lord Durham's Mission, 401
  Ordnance Estimates, 635
  Supply—Pensions, 536

Wood, Colonel
  Breach of Privilege—Mr. Poulter, 509

Worsley, Lord
  Bonded Corn, 1032
  Breach of Privilege—Mr. Poulter, 462, 513

Wynn, Mr. Williams
  Belfast Election Committee, 381
  Breach of Privilege—Mr. Poulter, 488, 510
  Controverted Elections, 338
  Copyright, 587
  Great Yarmouth Election, 551, 553
  Yeomanry Cavalry, 642

Wynford, Lord
  Amendment of the New Poor-law, 731, 740

Wyse, Mr.
  Outrages on Protestants (Ireland), 794

Yates, Mr.
  Budget, the, 1421
  Juvenile Offenders, 614
  Slavery Abolition Act, 472

Yeomanry, c. 819, 1024
———, *l.* 944
Yeomanry Cavalry (Scotland), *l.* 345, c. 382
Yeomanry Cavalry, c. 636

Young, Mr. J.
  Poor-law (Ireland), 689
  Tithes (Ireland), 1275

END OF VOL. XLII.

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